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MIRROR

OF

PARLIAMENT.

SESS. 1839.

VOL. V.

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THE

MIRROR

OF

PARLIAMENT.

FOR

THE SECOND SESSION OF THE
FOURTEENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND,

IN THE

SECOND AND THIRD YEARS OF THE REIGN OF QUEEN VICTORIA,

APPOINTED TO MEET FEBRUARY 5. AND FROM THENCE
CONTINUED TILL AUGUST 27. 1839.

EDITED BY

JOHN HENRY BARROW, Esq.
BARRISTER AT LAW.

SESSION OF 1839.

VOL. V.

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1839.

HOUSE OF LORDS, MERCURII, 3° DIE JULII, 1839.

The EARL of SHAFTESBURY sat Speaker.

WEGUELIN'S DIVORCE BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly; an amendment made; the Report thereof to be received to-morrow.

SUGAR DUTIES BILL.

Read a third time (according to order), and passed.

PONTEFRACT HONOR COURT BILL.

Read a second time, and committed for Monday next.

SOUTH EASTERN RAILWAY (No. 2.) BILL.

Read a third time, with the amendment; Bill passed, and sent to the Commons.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Newport (Monmouth) Dock Bill. — Read a third time; amendments made; Bill passed.

Reading Corporation Estate Bill. — Reported, without amendment; read a third time, and passed.

Patent White Lead Company Bill. — Lords' amendments agreed to.

Committees on Private Bills. — On the motion of Mr. ESTCOURT, Return ordered —

Showing the number of Committees on Private Bills that have been appointed in each week during the present Session.

Return laid upon the table accordingly.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — By SIR S. LUSHINGTON, — from Christow, in favour of the proposed scheme.

By Mr. TURNER, — from Blackburn, for revoking the order appointing a Committee of Privy Council to superintend the grants for education.

By LORD ASHLEY, against the proposed scheme, — from Kingskerswell; St. Michael Bassishaw, London; and deaneries of Kendal and Lonsdale.

Cruelty to Animals Act, — By Mr. MACAULAY, — from Edinburgh, for extending the provisions of the same to Scotland.

Licensed Victuallers (Ireland), — By Mr. BEAMISH, — two petitions from Cork, for placing them upon a footing with licensed victuallers in England.

Queen's Printer (Scotland), — By SIR S. LUSHINGTON and Mr. KINNAIRD, against renewal of the patent for printing Bibles, — from Perth; and Dunfermline (two petitions).

Postage, — By LORD DALMENY, LORD J. STUART, LORD C. MANNERS, SIR DE LACY EVANS, Mr. HODGES, and Mr. E. BULLER, for a low and uniform rate, — from Milngavie; Maybole; Culroy; Stoke upon Trent; Portland; St. Paul, Covent Garden, and Covent Garden Market; Sheffield (two petitions); Melton Mowbray; and Brenchley.

Londonderry City Election, — By Mr. C. BULLER, — of Francis Horner, a witness summoned to attend the Committee on the Londonderry Election Petition, complaining of defect in the enforcement of the payment of witnesses, and praying for relief. — To be printed.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS.

Bill, "for further suspending certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts," presented, and read a first time; to be read a second time on Friday, and to be printed.

NEW WRIT FOR IPSWICH.

On the motion of Mr. BERNAL, in the room of THOMAS MILNER GIBSON, Esquire, Steward of Chiltern Hundreds.

JOINT TENANTS VOTING (IRELAND) BILL. — BOROUGH COURTS (No. 2.) BILL. — REGISTERS OF BIRTHS, &c. BILL.

Third readings to-morrow.

SALE OF BEER BILL.

Report further considered; Bill recommitted for Friday.

BANKRUPT LIABILITY BILL.

Committee to-morrow.

HIGHWAY RATES BILL.

Committee on Saturday.

INDEMNITY BILL.

Second reading to-morrow.

SALE OF BEER (LICENCE DUTY).

Resolution reported:—

That in lieu of the annual duty now payable on every Excise licence, to be taken out by any person for the selling beer by retail, to be drunk or consumed in the house or premises where sold, there shall be paid an annual duty of 5*l.*

Resolution agreed to; instruction to Committee on the Sale of Beer Bill, that they have power to make provision therein pursuant to the said resolution.

SHANNON NAVIGATION (ISSUE OF EXCHEQUER BILLS).

Resolution reported:—

That a sum not exceeding 290,717*l.* by way of grant, and of 294,090*l.* by way of loan, to be repaid, may be advanced in Exchequer bills, or out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the improvement of the River Shannon; the same to be advanced under such regulations as may be directed by any Act of the present Session of Parliament.

Resolution agreed to; instruction to Committee on the Shannon Navigation Bill, that they have power to make provision therein pursuant to the said resolution.

STATUTE LABOUR (SCOTLAND).

On the motion of Mr. LOCKHART, Address for—

Return, specifying the whole number of trustees qualified in each parish in Scotland, where County Statute Labour Acts of Parliament are in force, with the amount of qualification required in each Act; also, the number of such qualified trustees resident in each parish, with the amount of statute labour funds (where converted) placed under their management.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Mr. SHAW.—I rise to give notice, Sir, of some amendments which I intend to propose in the Irish Municipal Corporations Bill. I will not read them at length, but hand them in, in order that they may be printed. The heads of them are as follow:—To amend the sixth clause, so as to leave the rights of freemen under the Irish Reform Act unaffected by the present Bill; to amend the twentieth clause, which is the franchise clause, in order to substitute a 10*l.* franchise, composed of the net annual value to which the premises shall be rated under the Poor Law Act, and the amount of the landlord's repairs and insurance, instead of the 8*l.* franchise proposed by that clause; to omit Clause 22., which, if allowed to stand, would qualify all the rated inhabitants of boroughs after three years; to insert a clause requiring the collectors to publish lists of the persons subject to the payment of the poor-rate; to insert a proviso that the Roman Catholic oath shall not be dispensed with, as now provided by the Bill; to insert a clause, providing compensation for the Lord Mayor, the President of the Court of Conscience, and the junior aldermen of the city of Dublin; to insert a clause, providing that the charities of Protestant Dissenters should not fall into the hands of trustees of a different religious persuasion; to insert a clause to protect the Bluecoat Hospital School of Dublin, and the charities of other public establishments of the city of Cork; to insert a restriction as to the 9th of George IV., which will provide a uniform rate of taxation instead of the graduated scale at present provided by that Act; to omit Clause 121., as to the appointment of sheriffs, and to vest the appointment in the Lord Lieutenant of Ireland, subject to the same rules now applicable to the officers of sheriffs of the counties at large; to amend Clause 198., which provides for new charters of incorporation, so as to substitute the majority of qualified ratepayers for the general inhabitant householders of the borough; lastly, to insert a clause providing for the due auditing of the public accounts.

CANADA.

LORD JOHN RUSSELL.—I give notice that, to-morrow, I shall move the second reading of the Canada Bill; and, as I do not expect that there will be much discussion upon that motion, the Irish

Corporations Bill can be proceeded with. I also propose, — as but little private business remains to be done, — that, if it should be agreeable to the House, public business shall commence, for the rest of the Session, at half past four o'clock, instead of five o'clock.

BANK OF IRELAND.

Mr. HUME. — The Chancellor of the Exchequer has repeatedly promised to fix a day for the discussion on the Bank of Ireland, but he has not yet done so. He promised to do so to-day, for the fiftieth time, but he is not in his place. I therefore give notice that, if an early day be not fixed for that purpose, I shall, myself, bring forward a motion on the subject the first Supply day.

THE VESTAL FRIGATE.

SIR F. BURDETT. — I wish to know whether the Admiralty have received any further information respecting the alleged outrage upon the British flag in the Mexican seas? I allude to the case of the Vestal frigate. If no further information have yet been received, I wish to know whether it is intended to make any inquiry into the matter?

Mr. C. WOOD. — There is not the slightest foundation for the report, — it is a mere newspaper story, — and it is therefore quite unnecessary to direct inquiries to be instituted.

SIR F. BURDETT. — If that is known to be the case, of course there is no necessity for further investigation.

TURNPIKE TRUSTS BILL.

The Order for the second reading having been read, —

Mr. FOX MAULE said: — I believe it is the opinion of the House that the state of the turnpike roads is such as to require the serious attention of Parliament; but I doubt very much whether the Honourable Gentleman the Member for Lymington will be able to proceed with this Bill during the present Session. The House is aware that a commission, composed of Members of both Houses of Parliament, is at present occupied in an inquiry into the whole state of the turnpike roads of England; and it is expected that, before next Session, they will make a report, upon which the Government will be enabled to found a measure. I would therefore suggest that the Bill might be read a second time, now, in order to affirm the principle, and that the Honourable Gentleman would allow the third reading to stand over.

Mr. MACKINNON. — I think the Bill might be committed for this day week; after that, considering the lateness of the Session, I should not consider it right to proceed further. I have no wish to interfere with the progress of the commission which has been appointed by the Crown, or to act in opposition to her Majesty's Ministers, upon the subject.

SIR E. KNATCHBULL. — Under the circumstances, I cannot help thinking it would be better to postpone the second reading of the Bill at once. I shall certainly object to the second reading of the Bill, if it be thereby intended to pledge the House to the principle on which they are to legislate next Session.

SIR C. BURRELL. — Unless something be done by the Legislature, in this matter, one half of the turnpike roads in England will be ruined. I therefore think that, if the Government be not quite certain of being ready to bring forward a general measure early in the next Session, in order to restore to a healthy state the financial affairs of the roads of this country, a temporary measure should be passed for the purpose.

Mr. MACKINNON. — In accordance with the suggestion of my Right Honourable Friend, that it would not be prudent to pledge the House to the principle of future legislation, I shall withdraw the Bill altogether for the present.

Order for second reading discharged; Bill withdrawn.

PRISONS (SCOTLAND) BILL.

Order for further consideration of Report read; motion made by Mr. FOX MAULE, that the Bill be recommitted.

SIR W. RAE. — Several alterations having been made in this Bill, at the suggestion of Honourable Friends around me, I wish to say a few words in explanation; although, perhaps, they would come more properly from my Honourable Friend opposite (Mr. Fox Maule). There was no diversity of opinion on the fact of the prisons

of Scotland requiring amendment; but we did not exactly concur in the mode by which Honourable Gentlemen opposite proposed to deal with the question. They proposed to establish a general board for the management of prisons, with power to levy off Scotland, by a general assessment, 30,000*l.* for the erection of three general prisons. We considered such a scheme to be unnecessary as part of a plan for the establishing of a general system of prisons. We were of opinion that the prisons should be local; that each county should bear its own expenses; and that one depôt should be established, for the fitting up of which this House should vote the sum of 10,000*l.*, in addition to 20,000*l.* to be raised in Scotland. These were provisions which I and my Honourable Friends conceived to be less objectionable than those contained in the original Bill, while they would accomplish (as we thought) the same end; and the present Bill stands altered accordingly.

Mr. F. MAULE. — Sir, I am surprised to find that it is the intention of Honourable Gentlemen opposite to move an amendment. The present Bill is the same, in principle, as the measure introduced last Session, and which was not objected to by either side of the House. I shall feel it my duty to oppose that amendment.

Mr. PRINGLE. — Sir, the more the details of this measure are known in Scotland, the more it is objected to. In answer to the Honourable Member, I beg to say that the principle of the present amendment has been always contended for by Honourable Gentlemen on this side of the House; it is — that the general and the local gaols should be kept apart and separate.

The House then went into committee; and on Clause 1. (appointing a general board) being proposed,—

CAPTAIN GORDON said: — Sir, I must protest against this clause, inasmuch as it does not provide that, at least, persons locally interested should not form a portion of the general board; but as I do not see any chance of success, were I to divide the House, I shall content myself with expressing this opinion.

Clause agreed to, and ordered to stand part of the Bill; as, also, Clauses 2. to 9. inclusive.

Clause 10.

SIR G. CLERK. — I must complain that the clauses referring to the duties of the general and the local boards have not been classed together. When the measure comes into operation, it will be extremely difficult for those boards, looking at this fact, to ascertain all their duties.

Mr. F. MAULE. — Sir, it is my intention, when the Bill becomes law, to have an analysis of it prepared for the instruction and guidance of the board.

Clause agreed to.

Clause 11. agreed to.

On Clause 12. (levying the rate) being put,—

Mr. CHALMERS said: — Sir, I do not think it necessary that the burghs should be mentioned in this clause; the counties would be sufficient. As to the Forfarshire burghs, an understanding was entered into that they should not be chargeable, but should have the care of their own prisons. I beg, therefore, to move that the word "burghs" be struck out.

Mr. FOX MAULE. — My Honourable Friend talks of a bargain with the Forfarshire burghs. In the case of Dundee, the way the bargain was observed was — that when the prison required repair, the inhabitants refused to contribute one farthing to the works. With regard to the claim for the burghs, — that they should be allowed the care of their own prisons, — I can only say that, in the case of the late riots at Kerriemuir, the prison of Forfar was in such an insecure state that the prisoners were obliged to be removed to a distant gaol.

SIR W. RAE. — I shall be obliged to oppose this clause, as I fear that any alteration of this kind would endanger the whole Bill.

Mr. HUME. — I trust there will be no objection to this clause, as it seems to me necessary to the well working of the Bill.

Amendment negatived without a division, and clause agreed to.

Clauses 13. to. 17. agreed to.

On Clause 18. being put, —

SIR G. CLERK said: — I wish to call the attention of Honourable Gentlemen opposite to the latter part of this

clause, which enables "the county boards to construct new prisons." I think this provision is unnecessary; the case being provided for in other parts of the Bill.

Mr. FOX MAULE. — I cannot agree with the Honourable Baronet. This clause merely provides for the kind of prisons to be built.

SIR G. CLERK. — I should wish to know whether the new gaols are to have facilities for separation of the prisoners, and religious instruction?

The LORD ADVOCATE. — Yes.

Clause agreed to.

Clauses 19. to 23. agreed to.

On Clause 24. being put,—

Mr. GILLON said: — I object to this clause, as making an exceedingly vague and indefinite provision for the annual meetings of the board. By the clause, the time of meeting is left to be fixed each year by the commissioners. I think the 30th of October in each year should be fixed. I would amend it so as to run thus: — "Be it enacted, that the board shall hold its first meeting on the 30th of October in the present year, and its future meeting on such a day in the month of October as shall be provided by the commissioners." I submit that this would be much better than the present vague wording of the clause.

Clause, thus amended, agreed to.

Clauses 25. to 32. agreed to.

On Clause 33. (providing for the removal of prisoners) being put,—

LORD VISCOUNT STORMONT said: — I do not think the power of removing prisoners should be left with the board.

The LORD ADVOCATE. — I cannot consent to any alteration in the clause.

SIR W. RAE. — I think it very hard that all prisoners — no matter how light their offence — should be subject to the indignity of being paraded through the whole of Scotland, by order of the board.

Clause agreed to.

Clauses 34. to 38. agreed to.

Clauses 39. to 63. also agreed to.

On Clause 64. (repeal of certain Acts) being put, —

Mr. HUME said: — This clause does not specify what Acts are proposed to be repealed by it.

The LORD ADVOCATE. — It repeals all Acts, on this subject, passed for Scotland, since 1598.

Mr. HUME. — That only makes it the more objectionable. I move that it be struck out.

Mr. FOX MAULE. — Do you intend to bring up a new clause?

Mr. HUME. — No; I cannot consider that to be my duty: it is your business, not mine.

The committee then divided on the question, "That the clause stand part of the Bill:" — Ayes 44; Noes 17; — Majority 27.

AYES.

Bannerman, A.	Macaulay, T. B.
Baring, F. T.	Macleod, R.
Barnard, E. G.	Marsland, H.
Barry, G. S.	Mclgund, Lord Visct.
Bewes, T.	O'Connell, John
Blake, M. J.	Parker, J. (Shef.)
Blake, W. J.	Parnell, Rt. Hon. Sir H.
Brotherton, J.	Pendarves, E. W. W.
Bruges, W. H. L.	Pigot, D. R.
Busfeild, W.	Rundle, J.
Butler, Hon. Colonel	Sinclair, Sir G.
Cayley, E. S.	Stansfield, W. R. C.
Chalmers, P.	Steuart, R.
Craig, W. G.	Stewart, James
Curry, Mr. Serjeant	Talfourd, Mr. Serjeant
Dalmeny, Lord	Troubridge, Sir E. T.
Davies, Colonel	Vigors, N. A.
Donkin, Sir R. S.	Wilbraham, G.
Hastie, A.	Williams, W. A.
Hobhouse, T. B.	Wood, C.
Hodges, T. L.	
Howick, Lord Visct.	*Tellers.*
Kinnaird, Hon. A. F.	Maule, Hon. Fox
Lushington, Rt. Hn. S.	Rutherfurd, Rt. Hn. A.

NOES.

Arbuthnott, Hon. H.	Pease, J.
Blair, J.	Pringle, A.
Clerk, Sir G.	Rae, Rt. Hon. Sir W.
Gordon, Hon. Captain	Stormont, Lord Visct.
Grant, F. W.	Wallace, R.
Greene, T.	Warburton, H.
Hepburn, Sir T. B.	
Hope, Hon. C.	*Tellers.*
Hope, G. W.	Hume, J.
Lockhart, A. M.	Gillon, W. D.
Mackenzie, T.	

The remaining clauses were then agreed to; House resumed; Bill to be reported to-morrow.

MESSAGE FROM THE LORDS,

That they have agreed to — Sugar Duties Bill; West Croft (Nottingham) Canal Bill; Moy Navigation Bill, without amendment: South Eastern Railway (No. 2.) Bill; Sidmouth Improvement and Market Bill, with amendments.

That they have passed a Bill, intituled, "An Act to regulate the Course of Proceeding in the Court of Common Pleas, so far as relates to the Practice and Hearing of Counsel therein whilst sitting in Banc."

SUPREME COURTS (SCOTLAND) BILL.

Mr. FOX MAULE.—I move the Order of the Day for the third reading of this Bill.

On the question being put,—

Mr. GILLON said:—Sir, I think it my duty, now, as on former occasions, to persevere in my opposition to this Bill, which is intituled, certainly, "Supreme Courts (Scotland) Bill;" but I think it rather should be called "A Bill to give a large Increase of Salaries to certain Public Servants." This Bill has been so often argued, that I do not, now, mean to enter upon the subject at any length, but will confine myself to a very few sentences. For my own part, I am at a loss to know what new reasons can be adduced by the present Lord Advocate, to show that the Scotch judges are in a situation to justify such a profuse expenditure of public money as is proposed by this Bill. I think the Right Honourable and Learned Lord is called upon to state some new grounds. What are the altered circumstances to justify that expenditure? I find that, in the year 1786, the salary of the judges was 1000*l.* per annum; in 1795, it was 1280*l.*; and, in 1810, it was raised to 2000*l.*, the present amount; and it was so raised upon the specific ground of the increased price of all the commodities of life. Since then, the price of commodities has fallen to about one third; and I do not hesitate to say, that a puisne judge, now, paid his salary regularly, has actually what is equal to double the same nominal amount of a gentleman's landed income; while the Lord President's income is equal to the nominal rental of a landed gentleman of 9000*l.* I am sure that there never can be any difficulty in finding competent men to fill situations on the Scotch bench; for there are not three individuals at the Scotch bar realising more than 3000*l.* a-year, each; and I am sure that any one of them would be glad to accept the situation of a puisne judge, when he takes into consideration its comparative ease and dignity. As to the amount of labour imposed upon the Scotch judges, it is sufficient to say of it, that they have seven months and a half of vacation in the year, and their sittings are about an hour and a half in the day. Some of the judges, it is said, go through a great deal of labour out of the court; but I am sure that a great many of them do not. The business of the courts, it has been proved, is gradually diminishing; and, therefore, an increased expenditure upon such an object ought not to be proposed at a time when the Chancellor of the Exchequer will refuse to repeal taxes which he himself must admit ought to be repealed. I beg leave to conclude by moving, by way of amendment, to leave out the word "now," and at the end of the question to add the words "upon this day three months."

Mr. HUME.—I rise to second the amendment with the greatest pleasure, because I consider this as one of the grossest jobs which has taken place in this country for many years. I have always jected to having thirteen judges for a population little more than that of Yorkshire and Lancashire. To propose, then, an increase of salary to this superfluous number of judges, is the grossest act of extravagance. I say it ought so to be considered, when the revenue is known to be deficient; and I hope that the House will not sanction such an enormous increase in the salary of the Scotch judges. I consider, also, that, looking at the amount of business performed by the judges of Scotland, their number is far too great. On these grounds, I shall support the amendment moved by my Honourable Friend.

On the question being put,—

SIR GEORGE SINCLAIR said:—Sir, during the two former discussions on this Bill, I unavoidably omitted several statements of which I was most anxious to put the House in possession. My connection with this subject forces upon me the duty of taking a prominent part in the debate, and imposes upon the House the task of listening to certain facts and arguments, which, however, I shall strive as much as possible to condense. I cannot, in this instance, avail myself of a common and very convenient exordium, by saying that I address the House with great reluc-

tance; for, on the contrary, I feel much gratified, as well as highly honoured, in standing forward to urge upon public attention the just and too long neglected claims of some of the most eminent and enlightened public functionaries in the empire. This subject requires no force of eloquence, no felicity of illustration. It is only necessary to be perspicuous, and not difficult to be concise; there is no necessity for declamation, and no latitude for display. There are two preliminary matters on which I must say a very few words. It is admitted, and, indeed, it is self-evident, that this is not a party question; I am sure that a great majority of the Scotch Members, however much they may differ on other matters, are cordially united, not only as to the inadequacy of the present salaries of the judges, but as to the requisite amount of augmentation; and I am very glad that her Majesty's Ministers have at length resolved to give (so far, at least, as the puisne judges are concerned) effect to the general wish, which, on public grounds, the representatives of Scotland have been so desirous to press upon their favourable notice. In the next place, I beg to state that, neither in 1834, nor on the present occasion, have I ever been solicited, by all, or any one of the judges, to bring this question forward. The notion originated entirely with myself, upon several grounds, which I stated in evidence before the committee in 1834; and although I have been honoured, since the termination of the labours of that committee, with much more cordial expressions of gratitude than my humble efforts deserved, I must be allowed to add, that, from that moment until now, I never heard from the lips of any of these distinguished individuals a single expression of impatience or dissatisfaction: they have not adopted the principle, so emphatically laid down, and so successfully acted on, by a high authority, that nothing can ever be achieved without a little "quiet agitation." They never gave me the remotest hint that they wished me to renew my exertions; far less have they exclaimed, "Agitate, agitate, agitate!" They have acted, throughout, in a manner the most dignified and disinterested. Any information which I required, instead of being eagerly tendered on their parts, was earnestly solicited on mine. In short, Sir, the delicacy and forbearance of their whole demeanour, on this and on every occasion, have been almost as conspicuous as the harsh and offensive recklessness with which, on many occasions, their feelings have been wantonly outraged, their merits invidiously disparaged, their services unjustly depreciated, and their conduct malevolently arraigned. Sir, I should waste the time, and insult the understandings, of the House, if I did more than state the general principle on which the present proposition is based, — namely, that no public servants are entitled, on the part of their country, to so large a measure of veneration and liberality as the judges. On their integrity, experience, and discrimination, we are mainly dependent for the security of our property, the vindication of our rights, the detection of guilt, and the acquittal of innocence. Their claims upon national munificence, or, rather, upon national gratitude, are founded both on the dignity of their station and the importance of their duties. Nay — so jealous and considerate has been the feeling of the Legislature on the first of these points, that if a lawyer has been clothed, during ever so short a period, with the judicial ermine, a retiring pension has at all times been accorded to him without a cavil or a murmur, even after he has ceased to have any functions to perform; and I rejoice to learn that, in this particular, the recommendation of the committee of 1834 has been adopted, and that the seasonable retirement (with an undiminished income) of those high functionaries, whose lives have been most honourably and most usefully devoted to the public service, has been facilitated by our prudence, instead of being retarded.

But it may be asked whether the judges of the Supreme Court in Scotland are so pre-eminent in talent, and so meritorious in regard to public service, as to stand upon a level with the other judges of the empire, in their claims upon the favourable and respectful consideration of the House? I am well aware that, during a very long period, that court seems to have been looked upon as a sort of target, at which, sometimes wit and talent, still oftener dulness and ignorance, occasionally party enmity or professional disappointment, have levelled the shafts of sarcasm and vituperation. But, in opposition to these aspersions, I shall content myself with citing the following passage from the evidence of the Earl of Eldon, as delivered before the committee in 1834: —

> I should not do justice either to the Scotch bar or to the Scotch judges, who have been, during the time that I have been, in the profession of the law, if I did not say that I do not believe in any country of the world can be found higher testimonies of ability among the counsel, or ability among the judges."

And here, Sir, I must say a few words

with respect to the past history and present constitution of a court which, notwithstanding the vehement asseverations of some of its detractors, does, I believe, command the respect and confidence — not, perhaps, of rash and superficial innovators, but — of the reflecting and well-informed portions of our Scottish population, who, I fearlessly assert, view, with thankfulness and satisfaction, both the system of their national jurisprudence and the manner in which it is administered. Until 1808, this tribunal consisted of fifteen judges; — a certain number of them sat in rotation, in the Outer House, as Lords Ordinary, from whose decisions an appeal lay to the "collective wisdom" of the Inner House. The court has, at all times, been distinguished by the ability of its Lords President; and every one acquainted with Scotland is quite aware that the venerable individual who has so long been at the head of the court, has acquired and merited the confidence and respect of all whose good opinion is worth the having, by his unimpeached and unblemished integrity, his sound and matured discrimination, and his intimate acquaintance with every department of the law, whether civil or criminal. Sir, of that distinguished man it may be said, as of the great Hebrew legislator, — that "his eye is not dim, nor his natural force abated;" — he not only discharges, with unremitting assiduity, the duties of Lord President; but, since those of Justice General devolved upon him, about two years ago, he has cheerfully and most efficiently performed the functions of that office, without any additional remuneration. Sir, I assert that his mind is scarcely less vigorous than when he came to the bar, — that his infirmities are only visible to the jealous and jaundiced eyes of those who "hunger for his empty chair," — that when the Lord President is attacked, there is scarcely a lawyer at the bar who does not feel that he, himself, and his profession, are insulted and aggrieved. And, Sir, I say that this court has never ceased to be adorned, through successive generations, by other judges of great talent and integrity. It must, however, be admitted that, when fifteen judges sat in the one court, not a few were selected rather from the zeal of their political partisanship than from the pre-eminence of their legal reputation. It was, then, far more usual than it is, now, for the possessors, or heirs apparent, of landed property to be called to the bar, and thus become eligible for the situations either of sheriff depute or of supreme judge. From these circumstances it arose, that many advocates were promoted to the bench, who had never attained any lucrative practice at the bar, or who possessed patrimonial estates of their own; and who, therefore, on one or both of these grounds, either had less claim to large salaries, or could better put up with an inadequate amount; although it is quite notorious that, even in those days, the smallness of the judicial incomes was a frequent subject of complaint and dissatisfaction. We are told that, during that period, there were judges on the bench, who contrived to pass muster in a crowd, looking upon some one of their abler brethren as a kind of "*alter ego*," and saying "*ditto*" to all their opinions. But, in 1808, the court was divided into two, with commutative jurisdiction, — an arrangement by which the despatch of business was greatly promoted, as the two tribunals were employed in hearing and deciding causes simultaneously, and less time was occupied in each, by the delivery of the opinion of the judges. Since that period, the system of permanent Ordinaries (five in number) has been established, and the aggregate number of them amounts to thirteen judges, — four of whom sit in each of the two courts, — a number which, I trust, will never be further diminished, as it tends to secure this great advantage, — that, in case of a difference in opinion, instead of a bare majority, there should be a preponderance of three to one; — besides which, it is necessary, when deciding on the proper number, to take into account the contingency of illness or unavoidable absence on the part of some of the members of the court. Thus, it is obvious, that the judges are now more called upon to bestow their most earnest attention to the discharge of their laborious duties, than when the fifteen judges belonged to the same tribunal. Their individual opinions are delivered on every question, and at greater length; and are, also, now recorded far more accurately, not only for the sake of the profession and of the public, but, in the event of an appeal, for the use of the House of Lords. I cannot advert to this subject without repeating, that the judicial patronage of Scotland was exercised by my Right Honourable Friend with a discrimination and impartiality, which can never be surpassed, and for which Scotland can never feel too grateful. And here I may observe, on the subject of salaries, — that those of the English and Scotch judges were always augmented, *pari passu*; and when the English judges obtained a further increase, in 1809, those of Scotland

were not included in that arrangement; their claim, however, was acceded to during the next Session, — but the grant was made retrospective, so as to embrace the preceding year. In 1825, the salaries of the English judges were further increased; and it was the intention of the Duke of Wellington's Government to have extended the grant, as usual, to those of Scotland. The proposition was favourably received at the time; but it was thought expedient to postpone giving effect to the plan until the duties of the court had been inquired into.

A variety of causes concurred in preventing the further consideration of the subject until 1829, when the motion was renewed without any material opposition, but deferred until the Report of a commission of inquiry should have been laid upon the table of the House. In August of the following year, certain most important reductions and beneficial changes were introduced under the auspices of my Right Honourable Friend the Member for Bute. The Court of Exchequer, the Jury Court, the Admiralty Court, the Commissary Court, were all, "at one fell swoop," abolished; — their duties were all transferred to the Court of Session, whilst, at the very same time, the number of its members was reduced from fifteen to thirteen; and the judges themselves were not at all consulted in reference to these alterations, and the additional duties which devolved upon them, because it was perfectly understood that, out of the fund, thrown loose by these changes, a proportionate increase of their salaries should immediately ensue; and I believe that an assurance was even given, that, though not introduced until the following Session, the Bill should be made retrospective, — and it was chiefly in consequence of this persuasion that the venerable head of the court was induced to make such arrangements for the benefit of his family, as, from the non-fulfilment of the pledge then given, have involved him in those difficulties which I was grieved to hear treated, on a former occasion, as a subject of animadversion and reproach. Sir, it ought never to be forgotten, that all these changes, by which a saving of at least 30,000*l.* or 40,000*l.* a-year, in the judicial arrangements of Scotland, accrued to the country, were a boon which the nation owes to Sir W. Rae, — a man whom I deem it a high honour to be permitted to designate as my friend, — a man who is, of all politicians, the most consistent, and of all lawyers, the most disinterested — of all legal reformers, the most practical, — and with whom I have no other fault to find, than that he differs from every one who knows him, in the appreciation of his own competence for the highest judicial appointments. In November, 1830, a change of Government took place; and, for some years, the country was in such a ferment, and so intent upon having "the whole Bill," that they could think of "nothing but the Bill." The subject of the judges' salaries lay dormant until 1834, when I ventured to bring it under the notice of Lord Spencer, — at that time Chancellor of the Exchequer, — who, with his characteristic frankness, avowed that he was not satisfied as to the necessity of any increase; but he agreed, on the part of the Government, to the appointment of a committee, over whose deliberations I had the honour to preside. The list was most carefully revised by Lord Althorp — some names expunged, and others substituted, by his Lordship, in their stead, — amongst which was that of my Honourable Friend the Member for Cockermouth, — to whose most effective and admirable speech, on a former night, the cause is so deeply indebted, and who, by the intelligence and acuteness of his questions, and the impartiality with which he took a prominent and most useful part in the investigation, has entitled himself not only to my own most respectful acknowledgments, but to the gratitude of all parties concerned. One of the resolutions — and it is that which I most earnestly wish that her Majesty's Ministers had adopted to its fullest extent — was this: — "That it is the opinion of the committee that the sum of 1000*l.* per annum should be added to the salary of the Lord President, and to that of the Lord Justice Clerk; and that the salary of each of the other judges should be laid at 3000*l.* per annum." I consider this committee as a sort of jury, or tribunal of reference. If they had determined that the existing salaries of the judges were excessive, or even adequate, my mouth would have been closed for ever on their behalf; and he would have been a very bold Minister indeed, who should have proposed even a trifling augmentation in the teeth of any hostile decision. How eloquently would my Honourable Friend opposite, then, have insisted upon adhering to the committee's decision! We should have been described as so many "second Daniels come to judgment;" whereas, now, they undervalue all our resolutions, and chiefly rely upon the opinions of those witnesses, to whose evidence the committee did not attach the slightest weight. When this

Report was presented to the House, Lord Althorp declared that he could not, at so late a period of the Session, introduce any Bill upon the subject. My Noble Friend does not, himself, recollect the conversation which subsequently took place between us; but he does not, on that account, impugn the truth of an assertion, which I make with the most perfect confidence, that, although his own doubts still continued, — (and when he restated them, he had not had time to read either the Report or the evidence), — he should deem it his duty to bring forward a measure in conformity with the recommendations of the committee, at an early period of the ensuing Session. The decease of my Noble Friend's father, and the subsequent dissolution of the Government, prevented this pledge from being redeemed. I made an offer to the Chancellor of the Exchequer, either to bring the question forward, myself, or to support it, if taken up by Government. In each succeeding year, I have asked, across the table, whether any intention was entertained on the part of Ministers to bring forward such a measure? I deemed it most prudent and most constitutional to leave it in the hands of the Government. But it seemed to be generally considered that the judges had, by the award of the committee, obtained a kind of inchoate right to the increase. When that excellent judge, Lord Cringletie, resigned, it was expressly stipulated that he should stand in the same position with regard to any contemplated augmentations as if he had still continued on the bench. Several of the judges have since died, and their families have lost the benefit which, if the Bill had been passed in the proper season, would have accrued to them; and others, in the natural expectation that such a step would be taken without delay, have been striving to keep up, though still on a subordinate scale, those appearances which their station requires, and which their present incomes cannot defray. Lest any doubt should exist as to the intentions entertained by Lord Grey's Government, I shall do myself the honour, and give my cause the advantage, of reading a letter from that great man himself — illustrious, "not by courtesy," but by the splendour of his talents, the magnitude of his services, and the consistency of his whole public life: —

Howick, January 17. 1839.

Sir, — I have this morning had the honour of receiving your letter of the 1st. I well remember a representation having been made to me, when in office, of the inadequacy of the salaries of the Scotch judges. The details of the subject are not so perfectly in my recollection; but I can have no hesitation in saying, that I felt satisfied at the time that an alteration was necessary, and that the recommendation of the committee did not go at all beyond what the exigency of the case required. I must, therefore, wish you success in an object in which the public interest, no less than the independence of the judges, is intimately concerned; and if this expression of my feeling with regard to it can be of any advantage, you are at liberty to make such use of it as you may think proper. I am, Sir, your faithful and obedient servant,

GREY.

The principal witnesses, too, examined before the committee, were as decidedly favourable to the amount of increase which we finally recommended, as they were opposed to one another in their political opinions. We had the testimony both of Lord Jeffrey and Sir William Rae: and here, Sir, I cannot help again expressing my indignation that any Gentleman in this House should have been found capable, on a former occasion, of endeavouring to fasten upon Lord Jeffrey the imputation of having been biassed, in giving his evidence, by the prospect of his own immediate elevation to the bench. I only wish he had been an Irishman, as well as an Irish Member. Does it not argue a marvellous obtuseness of moral perception, to bring such a charge against Jeffrey? — Jeffrey, whose sensitive and honourable mind would instinctively recoil from any base or sordid motive; — Jeffrey, whom the latest generation of Scotsmen will be proud to number amongst the most distinguished of their countrymen; — Jeffrey, not less profound in law, than pre-eminent in literature; — Jeffrey, who is commended to our admiration by everything that is lofty in intellect, and varied in acquirement, as well as endeared to the affections of all who know him, by everything that is fascinating and amiable in the intercourse of private life; — Jeffrey, whose honourably earned affluence has long since surrounded him with every comfort which life can afford, or which man can desire, and enabled him, without any reference to salary, to make ample provision for an only child; — Jeffrey, who was very reluctant to come forward as a witness at all, — and who, from the very circumstance of his delicate position, delivered his opinion much more guardedly than I could have wished; — Jeffrey, whom, in common with his other political and private friends, I found great difficulty in persuading to take the office at all, — an office, of which we pressed the acceptance upon him, not because we deemed it at all commensurate with his transcendent abilities, but because we saw that his health was impaired by the late hours and change of habits

incidental to the novelty of parliamentary life. We had also, Sir, the powerful and concurrent evidence of Lord Brougham and Sir Robert Peel, of Dr. Lushington and of Sir S. Shepherd, — the former of whom, in his luminous and important testimony, — a testimony altogether worthy of his own high reputation — (it would be ungrateful to say less, and impossible to say more) — expressed himself to the following effect: — "My own judgment would be, that it would be most desirable to raise the salaries of all the judges, indiscriminately, to 3000*l.* a-year each; and hereafter to appoint no person to the situation of judge, who would not undertake the performance of both duties." The latter, whose opinion was the more valuable because he had for some years presided as Chief Baron at Edinburgh, was prevented, by the delicate state of his health, from personally attending the committee, but he took a deep interest in the result of the inquiry. In a mere private communication to myself, he said, — "You do not, in Scotland, pay your judges as well as you do your post-boys;" and from a letter, which he did me the honour to address to me, as chairman of the committee, I shall make the following extract: —

I will tell you what was my establishment, while I resided, with my family, in Scotland. I had two footmen — one out of livery and one in livery, — and one coachman; a carriage and pair of horses; sometimes one saddle horse; a cookmaid, and kitchenmaid, and two housemaids; their wages rather less, or not much more, than in England. You, and other members of the committee, will judge whether such an establishment was more than a Lord of Sessions should have; and I am sure I could not have supported it for 2000*l.* a-year. I had no children to educate, or place in the world. I have always thought the Lords of Sessions, *quâ* Lords of Sessions, were not sufficiently paid: those who have double gowns have something more; — whether that is a sufficient remuneration for their additional duties is a question I hardly feel competent to answer; my opinion is, that it is not sufficient. Many persons suppose that the duties of a judge are performed by the attendance in court, and delivering of their opinions; but they forget the hours and hours of reading, and consideration, and studious research, of a judge, in his library, and the constant devotion of his mind to the performance of his functions. If there be any character in England or Scotland whose life is a life of labour, it is that of a judge of one of the superior courts, supposing him to be such a man as ought to hold that honourable station; and, looking at the bench both in England and Scotland, I will challenge any man of honour and conscience to gainsay this. I write this conscientiously. I write on the bed of sickness; and this is not a place to which to resort for prejudice or partiality.

The same opinion was expressed in evidence by the late Earl of Eldon, and by Mr. O'Connell; and I may, perhaps, be here permitted to enliven the dryness of these details by mentioning an incident which occurred after Lord Eldon's examination. As the House was at that time engaged in a morning sitting, I, who, of course, deemed it my duty to attend the venerable Earl from the committee room to his carriage, conducted him, whilst leaning on my arm, along the passage under the gallery. No sooner did the Learned Member for Dublin most unexpectedly see his Lordship appear, than he instantly rose from his seat, took off his hat, made signs to all the Members around him to pay a similar homage to Lord Eldon, and remained standing, and uncovered, till his Lordship left the House. When we reached the lobby, I said, "My Lord, did you observe what occurred?" "No, I did not; what was it?" Upon my detailing the incident already described, Lord Eldon seemed much affected, and said, "Did Mr O'Connell really do so? Pray, Sir, take the first opportunity to express to him my best thanks for this attention." The answer of the Learned Member, when I delivered the message, was this: — "Lord Eldon is a man for whom no lawyer can evince too profound a respect."

I shall say nothing further as to the proceedings of the committee of 1834; but there are two or three statements which still remain to be noticed. We are told that men of great legal eminence will accept the judicial office at the existing amount of salary; and this is unquestionably true, as the present state of the bench demonstrates. But this is a fallacious and unfair criterion. We ought not scrupulously to consider what is the precise *minimum* of salary by which, in addition to the advantages of certainty of income, non-liability to ruin from providential casualties, and of less laborious duties, advocates in high practice may be reluctantly induced to take the judicial office — perhaps when business is fluctuating or health beginning to decline; but he may not again have the offer when he would be more desirous to accept it. Now, the great object for inquiry was, what amount was necessary for enabling a judge of the Supreme Court to maintain the dignity of his station, to live as became a British judge, and to avoid what that great man, Lord Eldon, alluded to in his evidence before the committee — "the placing his children in a rank, during his life, much above that which they must fill in case of his death." Now, I believe, that, at a less sum than the committee suggested, these objects cannot be obtained, — that

an advocate, in lucrative practice, may, when he becomes a judge, have to lay down his equipage, instead of setting it up; and forego, for himself and his family, many comforts, when on the bench, which he was enabled, whilst at the bar, to enjoy. Sir, the present situation of such of our judges as have little or no private fortune, is well known to every Gentleman connected with Scotland, whom I have now the honour to address. I respect them; but I blame the country for the self-denial which some of them at present exercise. No one, I think, will deem that I am unreasonable in wishing that every judge of the Supreme Court should have a private carriage, and a reasonable domestic establishment; but if we make an allowance of 300*l.* for the former object, besides an expense of some hundreds a-year of insurance for family provision, and the frequent demands of charitable institutions, —how little remains for the occasional exercise of hospitality,—now, I regret to say, conducted on a very different scale from the thriftier habits of the olden time; besides which, the outfit of children for any profession, independent of the previous outlay in their education, is, of late years, much more expensive than formerly, and cannot be stated, on an average, at less than 1000*l.* for each. Sir, I could produce evidence as to the difficulties and privations which are caused by the present limited incomes of the judges, if I were not aware that such details would be mortifying to the feelings of individuals, as well as derogatory to the honour of the country. But, Sir, I trust that with most of the Members of this House such statements will be superfluous; and I know that with others they would be unavailing. There may be some,—nay, I blush to think that there may be Scotchmen—who would listen with calmness, even, to such a statement as this. I shall therefore only say, on my own responsibility, that the most cruel cases might easily be exhibited, of the vain struggles of Scotch judges to maintain their proper places, by combining absolutely severe economy with their existing pay. Sir, I am aware that there is—if I may so express myself—a penurious and penny-wise triumvirate from the North of the Tweed, on whom all the evidence adduced before the committee, and all the facts and arguments urged in this House, never made the slightest impression. These Gentlemen, in order to attain the object of keeping the judges with a narrowness of income equally painful to them, and disgraceful to the nation, can blow hot or cold, as it suits their purpose. If they wish to prejudice English Members against the judges, they describe them as having nothing to do,—as indolent and inefficient,—as wasting the time which they ought to devote to the public service,—and as being found in every capital or watering-place in Europe; because, forsooth, I believe that one, or, at the most, two, of the judges have passed a vacation or two abroad. But, almost in the same breath, they can heartily concur in our just encomiums on the transcendent talents of the very same judges, in order to contend that, at the present salaries, you could induce the most eminent advocates to accept office on the bench. The Honourable Member for Kilkenny measures out, with the accuracy of a chronometer, the amount of time which the discharge of their duties requires the judges to pass in court. He is like the critic in Sterne, who, while the attention of all around him was rivetted by the inimitable acting of Garrick, could not take his eyes off his stop-watch. The Honourable Member for Kilkenny seems to think that a judge, like a journeyman carpenter, should be hired by the job, or by the day; or that you ought to treat him like a hackney coachman, and higgle with him, beforehand, as to the sum which you should pay for the discharge of a given duty. My Honourable Friend often makes great professions, in the abstract, of an anxious desire, that efficient public servants should be amply remunerated; but I never recollect a single instance in which he did not seem to think that all functionaries, civil, naval, military, judicial, diplomatic, or ecclesiastical, are underworked and overpaid. My Honourable Friend is so wedded to the system of subtraction, as to forget, altogether, the not less important element of addition. My Honourable Friend the Member for Greenock is also one of the stop-watch philosophers. He seems to regard judicial business as mere clock-work, and speaks of nothing but "the number of days and hours" during which the Court of Session is occupied in the course of the year. But any one at all capable of appreciating the nature and extent of the functions connected with the office of a judge, would never dream of applying a test so futile and so fallacious. I shall never forget the smile of good-humoured expression with which Lord Eldon replied to a question addressed by me to him, in private, on this subject. "Sir," replied his Lordship, "the time passed in the court is often not so long,

nor, in some respects, so important, as that which a judge, who is anxious to discharge his duty, devotes at home to its performance. Is no account, I would ask, to be taken of his anxiety to do strict justice in cases which, even if they do not consume much time in their discussion, involve, in their results, the welfare, the interests, the lives, and properties of the parties concerned? I can only say, Sir, for myself, that, after having fully heard the pleadings in an important case, and made up my mind as to the judgment which I should have pronounced, if called upon to decide without further consideration, I have gone home and laboriously reviewed all the facts and arguments, until two or three o'clock in the morning; and the consequence has not unfrequently been, that I have completely altered my opinion, and have given a matured and well-digested judgment, which occupied, perhaps, no very long space in its actual delivery, but which has not only set that particular question at rest, but has had the effect of preventing other parties from wasting time, and incurring expense, by bringing forward pleas of a similar description."

In illustration of this principle, Sir, I may also be allowed to state, that my distinguished friend Lord Cunningham showed me the papers of a case, when in Edinburgh, which had occupied him a week to read; and that Lord Jeffrey lately gave judgment in a case of accounts which, he certified, had cost him two weeks of unremitting labour. I may allude, also, to the case of my venerated friend the Lord Justice Clerk, — respecting whom I once heard it asserted, by a high legal authority — my Learned Friend the present Lord Advocate, — that he had often been astonished at the patience and fortitude with which that eminent person sat for hours on the bench, whilst labouring under a painful complaint (now, happily for his family, and providentially for his country, removed), in order that the time of the public might not be lost, or the business of the suitors retarded. I know that there is scarcely an evening in the week, during which his Lordship does not withdraw from his family circle, and employ himself, until a late hour, in reading the voluminous papers which are transmitted to him from day to day. For, Sir, the business of the court must not be estimated according to the time. Why, Sir, if time was to be considered as the most important element in estimating judicial efficiency, the dullest judge, according to this standard, might stand much higher in public repute than the best informed and the most profound. Suppose the Faculty of Advocates, in consideration of the pains bestowed by my Honourable Friend the Member for Greenock on the question of law reform, were to elect him a member of that learned body; and that, on the first of the vacancies supposed to be impending, he were, himself, to be promoted to the bench. The same cause might then come before Lord Kelly (which, I presume, would be his title) and Lord Moncrieff. I entertain no doubt that both would be equally desirous to give a most conscientious decision; but the unrivalled acuteness, accurate knowledge, and logical precision which have elevated Lord Moncrieff to the highest pinnacle of judicial reputation, would enable him, in a very short time, to see through a maze of sophistries, by which an ordinary mind would feel bewildered and perplexed. His ready and retentive memory would at once recal to his remembrance most of the cases or passages cited on either side; or, if he had occasion to refer to the authorities, the perusal of a very few lines would bring the bearings of the facts, or the scope of the arguments, to his recollection. But Lord Kelly, on the other hand, when he came to consider the able and voluminous papers written on both sides, would find himself in the situation of the invalid in the French play, who, after consulting two doctors, complained that he was a little more puzzled and uncertain than before he had sent for either. One might feel prompted to say to him, "*Quantâ laboras in Charybdi!*" He would require to read, at full length, enormous extracts from Stair, Erskine, and Blackstone; and I think I see him scrambling, half a dozen times, up the ladder in his library, to haul down as many ponderous folio tomes of *Morison's Dictionary*, so as to become master of some of the reported cases, which he had never so much as heard of before; and, after all his trouble, it is more than probable that he would arrive at a wrong conclusion. But, Sir, if the two learned judges were ordered to furnish this House with a return of the number of hours employed by them, at home, in preparing to deliver their opinions on cases brought before them, Lord K. would, in this respect, beat Lord M. all to nothing — just as a lumbersome broad-wheeled wagon, in regard to the time consumed in a journey, would require a much greater number of hours than a first class train on a railroad; and my Honourable Friend the Member for Kilkenny would exclaim, when contrast-

ing the labours of the two judges,—"Only think what a useless and indolent judge Lord M. is! Commend me to Lord K.!—he is the man for my money,—he is ten times as long occupied about his papers as Lord M. I only wish we had a dozen others like him!" Why, Sir, the time in which any business is despatched, is of very secondary importance, when compared with skill and dexterity in the mode of its execution. I remember to have heard of a country gentleman calling, when he arrived in London, upon a particular friend of his, who had been grievously affected with the toothache. "My good Sir," says he, "I am quite concerned to hear that you have been a martyr to so painful a complaint."—"Oh," replied the other, "I am much obliged to you for your sympathy; but I am happy to say you may convert it into congratulation. When I could bear the torture no longer, I made the best of my way to Mr. Cartwright's, who dislodged the enemy in a second or two, almost before I knew what he was about; so I paid my guinea, and came away."—"Paid your guinea?" exclaimed the other, with an indignant stare of surprise; "your guinea, for the labour of a couple of seconds? Why, Sir, you never were so taken in in the whole course of your life. I, myself, had a violent fit of the toothache, last week, and sent for my neighbour, the blacksmith, who not only drew a sound grinder by mistake, but broke the decayed tooth in the middle,—wrenched it out at last, after six most tremendous tugs (leaving, by the by, a stump which I still have in my jaw),—was employed at least twenty minutes in the operation,—and, at last, only charged me half-a-crown."

I shall now say a few words to my Honourable Friend the Member for Falkirk, who seems, with all the patriotic fervour of Hannibal, to have sworn eternal enmity against the Court of Session. Sir, I feel no scruple in throwing down the gauntlet to my Honourable Friend. I am ready to fight the battle of Falkirk with him, and to meet him in the face of his constituents. I shall enumerate to them the labours of the President of the Court of Session, and he shall show how much lighter and more unimportant they are, than those of the President of the Royal Society. We shall both have a fair "hearing in presence;" and I anticipate a favourable verdict, even from a jury of hartists, however numerous, when we contrast the claims upon public munificence, or rather upon public justice, of an illustrious Prince with 22,000*l.* a-year, and a *puisne* judge in Scotland with 2000*l.*;—the former having a sumptuous residence provided, and paying no taxes; the other paying taxes, and not being provided with any dwelling whatever, at the public expense. And here, Sir, I would indignantly repudiate, on behalf of my Scottish countrymen belonging to the industrious classes, the preposterous insinuation that they would, on account of their own privations (with which no one more cordially sympathises than I do), view this grant with reluctance or hostility. They would, doubtless, in common with the rich, be disposed to witness, with just indignation, a profuse and wanton vote of public money in behalf of any minions or parasites, who had done nothing to deserve it. But, Sir, does my Honourable Friend imagine, that the most forlorn and neglected beggar in the street, when fainting with cold, and famishing with hunger, would allow a single pang of envy or dissatisfaction to rankle in his bosom, because he knew, when passing by Apsley House, that the illustrious inmate of that princely mansion was enabled, by national munificence, or rather by national gratitude, to exercise a dignified hospitality towards his gallant companions in arms? As little does the most destitute handloom weaver at Falkirk or at Glasgow feel insulted or aggrieved, when my respected friends Lord Meadowbank and Lord Cockburn, instead of securing inside places in the Telegraph, return in their private carriages to the metropolis, after the discharge of their often painful and always arduous functions on the circuit, to resume their civil duties. My Honourable Friends have also dwelt upon the length of the vacations; but, supposing it to be proved that they are too long, why are the judges to be punished for the defects of our jurisprudence? Are their incomes to be doled out with a paltry niggardliness, because the Legislature neglects to redress a grievance? I think, Sir, the questions of salary and duty may be considered as disconnected and distinct; and I maintain, also, that the judges now discharge, and discharge most efficiently, the whole functions incumbent upon the Supreme Court; in so much that, last week, the second division was reviewing a decision pronounced by the Lords Ordinary on the 14th of December; and my Honourable Friend is very fortunate, indeed, if he has not a larger arrear of rent on his estate than either division has of cases on its roll. The vacations are absolutely essential for the sake both of public convenience and of public jus-

fice. It is then that judges are most usefully and most laboriously engaged in the mature review of those cases which, during the Session itself, it was impossible to overtake; and it is well known that, by a most accurate calculation, made in 1830, the number of quarto pages of Session papers, composing the causes decided in the first division, was 17,365; and, in the second division, in the year 1828-29, was 19,266, — a large proportion of which must have absorbed the time of the judges in those months of relaxation in the country, which have been so severely animadverted upon. I may add, that, during the vacancy, the judges discharge the duties of the Bill Chamber, in rotation, every week; so that in the performance of these functions, and in preparing cases for decision, they are as sedulously employed throughout the summer, as my Honourable Friend the Member for Kilkenny, no doubt, is, during the recess, in preparing for the next parliamentary campaign, when, in some "cool grot or mossy bower," he is ruminating over the fragments of an obsolete army estimate, or regaling himself with Returns of the quantities of tea, tallow, treacle, and tobacco, imported for the last fifty years. My Honourable Friend is not aware that the length of the vacations has been regulated from time to time, since the establishment of this court, by Act of Parliament, — and this, rather for the sake of the suitors than for the benefit of the judges. Has he never heard that the Court of Session does not sit on Monday, because the onerous business of the Court of Justice requires to be transacted on that day? But I contend, that, even if the vacations were to be prolonged instead of being abridged, the argument would still remain unaffected, — that every judge of a supreme court should enjoy such an income as would enable him to live in a manner commensurate with his station. I should be the last man in this House to admit, and still more to contend, that too large a salary is attached to the high office so worthily filled by you, Sir; but if we were, most unjustly and most unwisely, to discard from view the consideration of its dignity, and to dwell solely on its duties, an attempt might be made to establish a case of excess, and some economical Aristarchus might exclaim — "Well; I do think the Speaker is overpaid. Only think of a vacation from August till February, Saturday a *dies non*, and holidays at Easter and on sundry anniversaries, besides the many evenings during which the House is in committee and the Speaker absent; how often, too, it adjourns at an early hour; how often it is counted out; or how often, at four o'clock, there are not enough Members to make a house!" In short, Sir, you must not be surprised, though you need not feel at all alarmed, if one of your Whig friends should, ere long, propose to consolidate the office of Chairman of the Ways and Means with that of Speaker, and call upon you, without any increase of salary, to discharge the functions of both.

But I must, in the last place, hasten to notice another nostrum of my Honourable Friends. They call on us to diminish the number of the judges: and I do believe that, as long as the court subsists at all, every past or possible reduction would only be regarded as an instalment. I trust that no Minister of the Crown will ever listen to such a monstrous proposition. Let us not degrade the legal profession by any further curtailment of these high and honourable offices, which may be looked forward to as legitimate objects of ambition, to reward the labours of genius and perseverance! Let us not adopt such a policy as would substitute, in the next generation, a set of narrow-minded and half-educated pettifoggers, for the Hopes, the Rutherfords, the Robertsons, and the Macneils, who, at present, by their talents and accomplishments, reflect honour upon the bar, and lustre upon the country! Why, Sir, I almost expect, ere long, to hear the Greenock Goneril exclaim, "Why should there be any Lord President?" "Why," replies the Kilkenny Regan, "should there be any Justice Clerk?" "Why," says the former, "should there be any Lords Ordinary?" "Why," rejoins the latter, "should there be so many judges in this inner house?" "Why," continues the one, "should there be two divisions of the court?" "Why," retorts the other, "should there be any court at all?" The balance of authority surely preponderates on my side. Lord Brougham, whose opinion is entitled to the greatest deference, declared, before the committee of 1834, that reduction should proceed no further. Sir W. Rae, and the Dean of Faculty,—the authors of previous abolitions, appear almost to regret that this principle has been carried so far. But my Honourable Friend the Member for Kilkenny is made of sterner stuff; — he never condescends to act upon the principle, that *cuilibet in arte suâ credendum*, — he is like the lady in the French play, who says, "After all, I believe, there is no person who is always in the right,

except myself;"— he seems to think that he knows much better than Sir W. Rae, how many judges should sit in a court, — much better than Lord Hill, how many regiments should be sent to Canada, — much better than Sir Edward Codrington, how many ships should be stationed in the Baltic; and he never will be completely satisfied, until the ingenious Mr. Babbage shall excogitate some wonderful piece of mechanism for evolving interlocutors by machinery, and thus saving the entire cost of human labour in the discharge of judicial duties.

Sir, I have detained the House much longer than I intended; but the subject is so important to the best interests of Scotland—(although I regret to observe, from the thinness of the attendance on both sides, how little interest it seems to excite in this House), — that I have been unable to comprise the expression of my sentiments within more moderate limits. By passing this Bill, we shall not be obeying, merely, an inconsiderate impulse of generosity, but discharging a tardy act of justice. I call upon the House to sanction this measure, rather, because of the virulence with which it has been opposed, than on account of the ability with which it has been recommended to their notice. They will thus, in some measure, soothe the outraged feelings of enlightened and honourable men, who, whilst assiduously engaged in the public service, have so often been fiercely denounced, and sometimes so feebly defended. Should any Gentleman declare, "I will vote for this grant, if you will guarantee its having the effect of securing better judges, or causing those who are now on the bench to perform their duties in a manner more satisfactory to the country,"—I can accept no support upon such terms; because I maintain, that abler and more upright functionaries could not be found than the present judges; and that, although they may labour with more cheerfulness when justice shall have been done to them, they cannot act with greater integrity, or with more unwearied industry, than they already display.

I have no personal interest in this question. By success I shall not be enriched, — by failure I shall not be impoverished; but I shall, indeed, reap a rich harvest of recompence for any past exertions of mine in this cause, if they should, in any degree, have tended to insure for individuals, who possess such cogent claims upon public gratitude and public respect, the means of possessing those immediate advantages for themselves and their families, and eventually securing that independence, to which all must admit that they are entitled, and which all must wish them to enjoy.

The LORD ADVOCATE. — Sir, it is unnecessary for me, after the speech of the Honourable Baronet opposite, to trespass long upon the patience of the House; and, in truth, I should not have thought it necessary to rise at all, had it not been for the very particular manner in which I was alluded to by the Honourable Members who moved and seconded the amendment. The Honourable Member for Falkirk expressed considerable anxiety that I should state, in my place, some new grounds and reasons for the passing of this measure. That challenge, Sir, I should have accepted, had I heard any new grounds of objection; but as the objections taken to the third reading of this Bill by the Honourable Members for Falkirk and Kilkenny, were made by them on every previous stage of it, and as they have been answered over and over again, I conceive that I need not detain the House by any attempt to refute, once more, arguments which have been so often refuted before. I will, however, again deny that the judges of Scotland pass a life of idleness, and that they have anything like a vacation of seven months and a half in the year. It is well known that, in Scotland, a great part of the judicial business is not discharged in public. That may, or may not, be a wise mode of transacting the judicial business; but I can state, from my own knowledge, as an example, that two cases, in which the written documents to be read amounted, in one case, to 600 quarto sheets of paper, and in the other to 1000, did not occupy two minutes in argument at the bar. In fact, the argument of counsel consisted in merely stating to the bench that the whole points of the case were fully stated in the papers, and that it would be a waste of the time of the court to recapitulate that which the judges were already in possession of. Yet upon these cases, the judges must have been employed, not only hours but days. Am I, then, to be told that the time and attention expended by the judges are to be measured by a Return to the House of the number of hours they are occupied in court? I disagree with those who suppose that there are not gentlemen at the Scottish bar in sufficient number to fill any number of vacancies on the bench. The salaries of judges ought to be such as would secure a command of sufficient talents; and, of all situations, that of a judge is the one which it is a miserable economy to curtail of its fair emolu-

ments. With respect to provisions for retirement, the Bill only provides for the retirement, on his full salary, of a judge who is now seventy years of age, and has already served fifteen years. Surely it is bad policy to require that he should, after that age, drag on a few years longer of an unhealthy life, after his services have become a burden to himself, and comparatively useless to the public, merely for the sake of acquiring a few hundreds more. Sir, I am sensible that this subject has been so fully argued, that it is exhausted; and I will not trespass longer upon the time of the House, than merely to express my hope that the House will permit this Bill to be read a third time.

Mr. WALLACE. — I am quite ready to confess that I am one of the "penurious triumvirate" alluded to by the Honourable Baronet; and I agree with the Honourable Member for Kilkenny, that this is the most notorious job I ever saw in this House. I do not attack persons, but systems; the people of Scotland respect the judges, but detest the system. The judges break up three times in the year; and serve, in fact, but five months in the year; so that their 2000*l.* is equal to 4000*l.*, whereas the judges, as in England, serve ten months in the year. If the judges worked more in court, under a better system, a less number of judges would be necessary. The judicial business is decreasing in the courts, and will continue to do so, unless the system be improved. Had the inquiry into the state of the Scottish courts been conducted by a mixed commission, as I recommended, more satisfactory results would have followed. The present measure should, I think, have been intituled, "A Bill for increasing the Ease and Comfort of the Scottish Judges, by adding to their Salaries, and diminishing the Quantity of Judicial Duty." That is the true character of the Bill; and I can assure the supporters of it that it is so considered in Scotland; and there would be a large show of hands in favour of my title in any large town in that country.

The ATTORNEY GENERAL. — I assure the House I will detain them but a moment, for I feel it to be quite unnecessary to enter into any lengthened arguments or statements on this occasion, — and simply because nothing new has been advanced by the opponents of the Bill. I must say, that the tone and manner which the Honourable Member for Greenock has adopted towards, not only this Bill, but towards these learned judges themselves, — while he disclaims all personality, — is not at all worthy of him. When the Honourable Gentleman says he should get a large show of hands in his favour, in any large town in Scotland, I can assure him, I am not afraid to meet him before my constituents, if he choose to enter the lists with me, on the merits of this Bill. But be that as it may, — whatever may be the unpopularity of my course, — I feel it my duty, as an honest man, to hold up my hand in favour of the measure. Sir, as a Scottish representative, I have no hesitation in declaring my decided opinion that this Bill is a fair, just, and expedient measure. The number of Scottish judges is now considerably less than it was, though the wealth and population of the country are rapidly increasing. No one will deny that means should be afforded to the Scottish judges to maintain, with credit, that station in society which they are expected to fill. When the Honourable Member for Falkirk talks of what the salary of the judges was some few years ago, I would ask him, as a reasonable man, whether 1000*l.* a-year is adequate to support their dignity? How did the judges live at the period to which he refers? Why, on a flat in some close of the city; and there they were considered to be lodged respectably and suitably. When one of them went the circuit, he would jog upon a shelty, and carry his provender with him; and all this was not considered in the slightest degree derogatory to his station and dignity. But the times are different, now; and a judge, I imagine, ought to go about in his own carriage, and not in a hackney cab or an omnibus. It has been said, the judges do not do enough. That assertion has been so well and so often refuted, that I will not occupy a moment by dwelling upon it. With respect to the written pleadings, I can say, that several of the judges would prefer having the business done *vivâ voce:* but I would remind the House that judges do not make the law; they must take the law as they find it; and they are obliged to read through the papers presented to them, however voluminous. Comparisons have been made between the judicial establishments of England and Scotland. In my humble opinion, the English judges are worked too hard. I think it will be found absolutely necessary, before much time has elapsed, to increase the judicial strength of this country. Parliament is denying or delaying justice, and violating *Magna Charta*, by withholding such an additional number of judges as the wants of the country require. The number of judges is, at present, not greater than it was in

the time of Edward I., although the population of England has increased tenfold, and its wealth in a still greater ratio. Without occupying more of the time of the House, I beg leave to express my unqualified approbation of this Bill.

Mr. OSWALD. — The time may, perhaps, come, when an increase in the salaries of the Scottish judges will be a popular measure in Scotland; but I have no hesitation in saying, that, at the present moment, it would be unpopular with nine tenths of the people of Scotland. Nobody, I observe, now takes a cause to the Court of Session, who can possibly avoid it. There is almost an entire want of confidence in that court; why, I cannot tell.

The House then divided on the question, "That the word 'now' stand part of the question:" — Ayes 51; Noes 21; — Majority 30.

AYES.

Baring, F. T.	Nicholl, J.
Barnard, E. G.	Packe, C. W.
Barry, G. S.	Parnell, Rt. Hon. Sir H.
Blake, W. J.	Pendarves, E. W. W.
Broadley, H.	Pigot, D. R.
Busfeild, W.	Pringle, A.
Campbell, Sir J.	Rae, Rt. Hon. Sir W.
Clerk, Sir G.	Rutherfurd, Rt. Hn. A.
Craig, W. G.	Sinclair, Sir G.
Curry, Mr. Serjeant	Slaney, R. A.
Dalmeny, Lord	Steuart, R.
Darby, G.	Stuart, W. V.
Donkin, Sir R. S.	Stormont, Lord Visct.
Douglas, Sir C. E.	Talfourd, Mr. Serjeant
Grant, F. W.	Tancred, H. W.
Greene, T.	Thomas, Colonel H.
Hepburn, Sir T. B.	Thomson, Right Hon. C. P.
Hope, Hon. C.	Troubridge, Sir E. T.
Hope, G. W.	Vere, Sir C. B.
Howick, Lord Visct.	White, A.
Jackson, Mr. Serjeant	Wilkins, W.
Law, Hon. C. E.	Williams, W. A.
Lemon, Sir C.	Wood, C.
Lockhart, A. M.	
Lushington, Rt. Hon. S.	*Tellers.*
Macaulay, T. B.	Maule, Hon. F.
Mackenzie, T.	Parker, J.
Macleod, R.	

NOES.

Bewes, T.	Rundle, J.
Brotherton, J.	Turner, W.
Bruges, W. H. L.	Vigors, N. A.
Davies, Colonel	Wakley, T.
Evans, W.	Wall, C. B.
Finch, F.	Wallace, R.
Hector, C. J.	Warburton, H.
Hodges, T. L.	Williams, W.
Marsland, H.	
Morris, D.	*Tellers.*
O'Connell, John	Gillon, W. D
Oswald, J.	Hume, J.
Pease, J.	

Main question put, and agreed to; Bill read a third time.

On the question, "That the Bill do pass," —

Mr. WALLACE said: — I shall now, Sir, bring up the clauses of which I have given notice, and press them to a division. I may here remark, that I was very glad to ascertain, from the speech of the Honourable and Learned Attorney General, that the reason why this Bill is so strongly supported is, that it is to be made a pretext for augmenting the salaries of the English judges, or for increasing their number. Very well; we shall see. Now, Sir, if the Government would only give us the fair and honest inquiry we seek for, I, for one, would immediately desist from the course I have pursued with relation to this measure, and I would not waste the time of the House of Commons by reiterated amendments and pertinacious opposition. I do not know that it is, at present, necessary for me to add anything to the statements I have often made; and I shall now, Sir, bring up my first clause, which is as follows: — "And be it enacted, That a Return shall be made within fourteen days from the commencement of every future session, and be presented to both Houses of Parliament, setting forth, in columns, the number of days each division of the Inner House has sat during the session immediately preceding, and also the number of hours each of the said divisions usually sits daily, and that the said Returns shall be signed by the senior judge of each court respectively."

The clause was then read a first time.

On the question, "That the clause be now read a second time," —

The LORD ADVOCATE said: — I must take the liberty of opposing this clause. If the Honourable Member can find a case where the judges have not done their duty, let him come forward and state it. I must say, that most complete ignorance has been shown of the nature of the duties of the Scottish judges, by the opponents of this measure.

Mr. HUME. — It is very well for the Honourable and Learned Lord to tax us with ignorance; but what do we ask for? Is it not inquiry? It is because we are kept in ignorance that we complain. Is there anything derogatory to the judges, in our inquiring what time they occupy in

court? If a similar Return were ordered from the Court of Queen's Bench, it would be made without hesitation; but the fact is, the Scotch judges are ashamed to give it. If men do their duty honestly and properly, is it derogatory to them that we should inquire into the means by which they do it? The Honourable and Learned Attorney General says the judges cannot do upon less than 3000*l.* a-year. Now, I will not canvass the point, whether a man who rides in his own carriage must necessarily make a better judge than a man who does not; nor will I follow the Attorney General through his allusions to cabs, and omnibuses, and shelties, further than to say, that I think the taste of the Honourable and Learned Gentlemen was, at least, questionable, in imparting a ludicrous character to a discussion of this importance, upon a measure involving an extravagant waste of public money. I will only ask, — If I can get the best judge in Scotland for 2000*l.* a-year, why am I to give him 3000*l.*? I do not think anybody goes to market upon such a principle. It was said, in the course of this discussion, that the duties of these judges are more onerous that we are willing to admit, — that they have to wade through voluminous papers, consisting, sometimes, of 600 or 1000 pages. Why, Sir, that is the very thing we have for years been objecting to, —that system of voluminous written pleadings. What we want is, a reformed system on that very point, in order that justice may be properly administered. Honourable Gentlemen have said that it is false economy to stint the judges in their salaries. Now, I say that I have been, and am, as ready as any man to give fair and liberal salaries when I see good reason for doing so; but I must and will be satisfied that the duties of office are properly performed for that remuneration. With respect to what has fallen from the Honourable Member for Caithness, relative to Lord Jeffrey, I will only say, that neither myself nor my Honourable Friend attacked the character of any individual whatever; but what I said before, I repeat now, — namely, that Lord Jeffrey, on being asked whether the scale of the salaries of the judges prevented men of talent at the Scotch bar from accepting seats on the bench, replied, that it did; and that, nevertheless, Lord Jeffrey, himself, was the very first to accept a judgeship after that declaration. When you talk about miserable economy, you should remember that there are two parties — those who receive, and those who pay. We have no design to deprive the Scotch judges of their salaries; but what we want is, a proper performance of their duties for those salaries. It has been said, that we have carried our opposition to the last stage of the Bill. Why, we have a right to carry it through every stage of the Bill. But I say, that these Bills have not experienced half the opposition that was offered to them on former occasions. It is the system that we attack, not the individual. We say, that, before you increase the salaries of the judges, you should take care that they perform their duties; and that those abuses be abolished, which now allow them to employ their time in other than their judicial duties.

Mr. AGLIONBY. — My Honourable Friend's observations appear to be merely directed to the clause which the Honourable Gentleman has proposed. I think, also, that the remarks of the Right Honourable and Learned Lord Advocate, with respect to the Acts of *Sederunt*, were premature — they were applicable rather to another clause. On previous occasions, I have contended that we could not get efficient judges for less than 2000*l.* a-year, and I have, therefore, voted for the increase of these salaries. But, while I would pay the judges in a proper manner, I would require from them a proper attention to, and efficient discharge of, their various duties. The Honourable Member for Greenock requires that a Return should be made of the number of hours for which the judges usually sit, on each day, in their respective courts: that is a Return which I do not see how he could obtain; although he might have — what I should think would answer every purpose — an account of the aggregate number of days, or the number of hours, they usually sit for, during the year. I think the public is entitled to this information; but I have some doubts as to the propriety of embodying such a proviso in an Act of Parliament. At all events, I should not be disposed to lower the courts of justice in Scotland, by requiring them, in a clause in an Act of Parliament, to do that which is not required of the courts of justice in this country, or in any other part of the empire. I should prefer to have the opinion of some competent authority, before we decide on this point.

Mr. WARBURTON. — My Honourable Friend, in supposing that this information might be obtained without its being made imperative by Act of Parliament for the courts to produce it, forgets the late decision of the Court of Queen's

Bench as to the privileges of this House. Supposing it were not made imperative, and an order were made, on the motion of any Honourable Member, for a Return of the number of hours on which the Court of Session sat during any particular period, — how would you enforce compliance with that order, if the court chose to disobey? One of the privileges of this House is, that a Return shall be made to it, on its order; and that privilege is, undoubtedly, for the public advantage; but how are you to enforce your order, after the late decisions of the courts of law? I say, considering the doubts that have been of late thrown upon our privileges, it is important that we should, as far as we can, remove all difficulty, and all cause of collision with the courts of law, by inserting this provision for a periodical Return in the Act of Parliament.

LORD VISCOUNT HOWICK. — I trust that Honourable Gentlemen, who are anxious to maintain the privileges of the House, will not bring them into discussion on an occasion like the present. This I must say, — that if we were to adopt this clause on the ground my Honourable Friend has suggested, we should do more to bring our privileges into question, than by any other course; for we should thus be holding out to all parties who might be inclined to dispute our privileges, that they were justified in doing so.

Mr. WALLACE. — If the production of this Return be not made imperative, we shall probably have the Government opposing any motion that may be made upon the subject; therefore, I think the clause is one that ought to be introduced.

The House then divided: — Ayes 14; Noes 59; — Majority against the clause 45.

AYES.

Bridgeman, H.	Vigors, N. A.
Gillon, W. D.	Wakley, T.
Hector, C. J.	Warburton, H.
Morris, D.	White, A.
O'Connell, John	Williams, W. (Cov.)
Pease, J.	
Redington, T. N.	*Tellers.*
Somerville, Sir W. M.	Hume, J.
Turner, W.	Wallace, R.

NOES.

Aglionby, H. A.	Broadley, H.
Baring, F. T.	Brotherton, J.
Bernard, E. G.	Bruges, W. H. L.
Bernal, R.	Busfeild, W.
Campbell, Sir J.	M'Taggart, J.
Cayley, E. S.	Nicholl, J.
Clerk, Sir G.	Norreys, Sir D. J.
Craig, W. G.	Parnell, Rt. Hon. Sir H.
Curry, Mr. Serjeant	Pendarves, E. W. W.
Dalmeny, Lord	Pigot, D. R.
Darby, G.	Pringle, A.
Donkin, Sir R. S.	Rae, Rt. Hon. Sir W.
Douglas, Sir C. E.	Round, C. G.
Elliot, Hon. J. E.	Rutherfurd, Rt. Hn. A.
Ferguson, R.	Seymour, Lord
Gordon, R.	Sinclair, Sir G.
Grant, F. W.	Steuart, R.
Greene, T.	Stewart, James
Hepburn, Sir T. B.	Stuart, W. V.
Hobhouse, T. B.	Stock, Dr.
Hope, Hon. C.	Stormont, Lord Visct.
Hope, G. W.	Talfourd, Mr. Serjeant
Howick, Lord Visct.	Tancred, H. W.
Hughes, W. B.	Troubridge, Sir E. T.
Jackson, Mr. Serjeant	Vere, Sir C. B.
Lambton, H.	Wilkins, W.
Lemon, Sir C.	Williams, W. A.
Lockhart, A. M.	
Lushington, Rt. Hon. S.	*Tellers.*
Macaulay, T. B.	Maule, Hon. F.
Mackenzie, T.	Parker, J.
Macleod, R.	

Mr. WALLACE. — I will, now, move my second amendment, by way of rider, to follow Clause 12., to the effect, that the President of the Court of Session shall annually "state whether any extension of the usual sittings of the courts has taken place; and, if so, whether the extension has taken place in consequence of an injunction from the judges, or a command issued by the Crown." I know no reason why the judges should not make these Returns, unless it be that they dare not.

The proviso was then brought up, and read a first time.

The question, "That this proviso be read a second time," was then put, and negatived.

Mr. WALLACE. — I am sorry to say I have three more clauses; but I shall be ready to take them all as one, as I suppose they will be all treated the same as the others. I beg to propose the other clauses, which stand on the paper in my name.

Clauses — "That within fourteen days after the commencement of the Session, a statement shall be presented to both Houses of Parliament, of the regulations for carrying into execution the purposes of this Act:" — "That a similar statement be made in reference to the first, seventh, eight, ninth, and tenth clauses of the Act:" — "That the aforesaid statements be signed by the judge," — were

severally brought up, and read a first time, and negatived, on the question, "That the clause be now read a second time."

Mr. HUME. — I have an amendment to move to Clause 12.,—namely, after the words "per annum," in line 7., to insert the words "And whereas it is expedient to reduce the number of judges." I will not name any particular number, as upon that point there are different opinions. I want the judges in Scotland to do duty in their courts ten months in the year, the same as the judges do in England and Ireland.

Question put, "That those words be there inserted."

The House then divided: — Ayes 22; Noes 46; — Majority against the amendment 24.

AYES.

Aglionby, H. A.	Pease, J.
Bannerman, A.	Redington, T. N.
Bridgeman, H.	Somerville, Sir W. M.
Brotherton, J.	Turner, W.
Bruges, W. H. L.	Vigors, N. A.
Chalmers, P.	Wallace, R.
Finch, F.	Warburton, H.
Hastie, A.	White, A.
Hector, C. J.	Williams, W.
M'Taggart, J.	
Melgund, Lord Visct.	*Tellers.*
Morris, D.	Hume, J.
O'Connell, John	Gillon, W. D.

NOES.

Baring, F. T.	Macleod, R.
Bernal, R.	Nicholl, J.
Blake, W. J.	Noel, Hon. W. M.
Broadley, H.	Norreys, Sir D. J.
Campbell, Sir J.	Parker, J. (Sheff.)
Clerk, Sir G.	Parnell, Rt. Hon. Sir H.
Craig, W. G.	Pendarves, E. W. W.
Curry, Mr. Serjeant	Pigot, D. R.
Dalmeny, Lord	Pringle, A.
Eliot, Lord	Rae, Rt. Hon. Sir W.
Elliot, Hon. J. E.	Rolfe, Sir R. M.
Gordon, R.	Sinclair, Sir G.
Grant, F. W.	Steuart, R.
Greene, T.	Stewart, James
Grimsditch, T.	Stuart, W. V.
Hawkins, J. H.	Stock, Dr.
Hepburn, Sir T. B.	Stormont, Lord Visct.
Hobhouse, T. B.	Talfourd, Mr. Serjeant
Hope, Hon. C.	Vere, Sir C. B.
Hope, G. W.	Verney, Sir H.
Hughes, W. B.	Wilkins, W.
Jackson, Mr. Serjeant	Williams, W. A.
Lambton, H.	
Lushington, Rt. Hon. S.	*Tellers.*
Mackenzie, T.	Maule, Hon. Fox
	Rutherfurd, Rt. Hn. A.

SIR WILLIAM RAE.—The alteration which this Bill proposes as regards the retiring salaries of the judges, is, I think, open to very strong objection. It will be recollected, that when, in the year 1825, the salaries of the English judges were increased, no proportionate increase was made in the salaries of the Scotch judges. The subject was, however, brought forward by me in the following Session; and I was then met by this argument: — "The commissioners have recommended certain changes for reforming the judicial departments of Scotland; let those reforms be carried into effect, and we will then consider your claim for an increase in the judges' salaries." This was the argument of Mr. Home Drummond, and concurred in by the now Honourable Member for Kilkenny (Mr. Hume), and, I believe, by almost all the Members who were present at that discussion. In a subsequent Session of Parliament, I introduced a Bill, which, in accordance with the suggestions of the commissioners, not only abolished the Jury Court and the Commissary Courts of Scotland, but also abolished two judgeships, — which was going further in the way of reform than the commissioners had recommended; and yet, notwithstanding the conditions so laid down were, as I have said, more than complied with, it is only now that the promised increase of salaries is to be given, and that the House is prepared to do justice to the judges of Scotland. The clause of this Bill, to which I am more especially adverting, provides that any judge, having attained the age of seventy years, and served as a judge fifteen years, shall be allowed to retire on the full salary. Now, this is what I object to. By the law, as it now stands, the judges, on retiring, receive three fourths of the full salary as a retiring allowance, — and that, I think, is quite sufficient: therefore, while I approve of the increase to the salaries which this Bill proposes to give, I object to continuing the full salaries as retired allowances. On what account does the House agree to give large salaries to the judges, but as a recompence for the important duties they have to perform, and for the *status* they have to fill? Then, where is the principle of continuing the same amount of salary when those duties and that *status* shall have ceased? I am quite sure that the Honourable and Learned Attorney General can find no precedent for such a course, either in the practice of England or Ireland. The clause goes on the supposition that no judge is competent to the efficient performance of judicial functions after seventy years of age; and that it is necessary, in order to induce them to retire from those duties which they are no longer able to perform, to offer them a retiring allowance equal to their full

salary: but how many instances have we of judges continuing on the bench, and performing their high functions with satisfaction and advantage to the public, long after they had arrived at seventy years of age? And it is my firm opinion that no judge would remain on the bench, when he felt, and his friends felt, that he was no longer able to perform the duties of his office. Then, look at the anomaly of this clause, — and there are many anomalies in the Bill, — if the judge feel himself incompetent, and retire before he arrives at the age of seventy years, although he may have been on the bench the full term of fifteen years, or even more, he will receive only three fourths of the amount of his present salary, as a retiring allowance. Viewing the clause as highly unjust in a public point of view, and in every sense inexpedient, I feel I should be neglecting my public duty if I did not express my dissent from it. And I will now conclude, by moving, as an amendment, to leave out from the word "received" to the word "and," in the clause for enabling her Majesty to grant annuities to judges equal to their full salaries, upon their retirement from office, in certain cases.

Mr. WALLACE. — I beg to second the motion.

Question put, "That the words proposed to be left out stand part of the Bill."

The ATTORNEY GENERAL. — It appears to me that the Right Honourable Baronet has brought forward one unanswerable argument against the clause, — namely, that, if the principle be good, it should apply equally to England and Ireland. Admitting the full force of that argument, I would suggest the withdrawal of the clause. At the same time, I must observe that, with the principle of the clause, I certainly agree, and I believe it would be most expedient if that principle were put in practice throughout England, Ireland, and Scotland. What is the proposition contained in the clause? What is the qualification which it requires? It is not merely age, but age combined with a period of fifteen years' service, — and I am quite sure that, where the claim was made upon those two grounds united, the public would not begrudge the extra money; and I know, also, that it would be money well laid out. I have not had quite so long an experience in the profession as the Right Honourable Baronet; neither do I wish to say anything disrespectful to the Bench; but I can suppose a case, where great public benefit might be gained by bribing the judge with a handsome retiring allowance, to retire from the Bench. I can imagine cases in which judges of honourable mind and disinterested feelings might have a disinclination to retire so early as the public benefit required, — where they might entertain a reluctance to leave their stations, from the fear of diminishing their income, and interfering with the comforts of their families. In some of the states of America, they have a law which declares that no judge shall sit on the bench after he shall have arrived at sixty years of age: that, I think, would be going too far. There are cases, no doubt, of judges retaining their full powers of mind and body at seventy years of age, — and after having sat as judges for fifteen years; but still I think the instances to the contrary would be found to preponderate; and, when we consider the evils of delay in the administration of justice, the great expense and the many monstrous mischiefs which might be so produced, I think they would be cheaply avoided by paying an additional amount of retiring salary, — if, by so doing, that avoidance could be accomplished. But, while I state this much upon the general principle of the clause, I must admit that I have been much impressed with the observations of the Right Honourable Baronet. The opinion which I have now given proceeds on the assumption that the principle should be — as I feel that it will be, ere long — of general application, — that it should be enforced throughout the country as a rule; but I am convinced that it ought not to be begun with Scotland alone, and so brought into partial operation, — and therefore it is that I think the clause ought at once to be withdrawn.

Mr. AGLIONBY. — I think, by withdrawing this clause, you are retracing your steps altogether. I thought it was concurred in by all sides of the House, that we could not confer a greater benefit on the judges themselves, as well as on the people of Scotland, by increasing the efficiency of the bench, than in placing the judge in such a position that he should not be induced to retain his office beyond the time that he might be equal to the efficient performance of his judicial functions. The Honourable and Learned Attorney General admits this principle to be good; but his objection is, that it is not of general application in England and Ireland. But if it be good, what reason is there why we should not carry it into effect in Scotland,

now we have the opportunity to bring in another Bill to carry out the same principle with regard to England and Ireland? I cannot understand how it can be said that a clause is good, but we will not adopt it, because it will only apply to one country instead of three. I believe, in England, there is no instance of the refusal of an application made by a judge for retiring allowance, when he has felt himself unequal to the performance of his official duties; and I think the same inducement to retire should be given to the judges in Scotland. I object to the withdrawal of the clause.

Mr. HUME. — My Honourable and Learned Friend is mistaken in supposing that this clause met with the general concurrence of the House. It was alleged, here, that certain Scotch judges were incompetent for the discharge of their duties, and that we ought to hold out to them a temptation to retire, in the shape of large retiring allowances; but then I think that three fourths of the full salary is amply sufficient. I consider that the Right Honourable Baronet has made a very proper amendment, and I should be sorry if he did not carry it. Here we have a Whig Government proposing a larger amount for judges' salaries than a Tory Government ever gave.

Mr. E. ELLICE. — I objected to the Bill in its previous stages, on the ground that no steps ought to be taken to increase the salaries of the judges until inquiry had been previously made into the whole system of the administration of justice in Scotland. I am still opposed to the Bill on the same ground, and until an improvement in that system be effected. And, if the amendment now proposed were, to read this Bill a third time this day three months, I would support it. But with respect to the clause in question, I think it is one of the best in the Bill. I think, when a judge has performed his duty to his country for many years, and arrived at the age of seventy, he is entitled to a retiring allowance; therefore, if a division be taken, I shall vote for the clause.

Strangers were then ordered to withdraw, but no division took place.

The question, "That the words proposed to be left out stand part of the Bill," again put, and negatived.

Mr. WALLACE. — I have now to move a clause, to the effect "that, within fourteen days after passing Acts of *Sederunt* by the Court of Session, copies of such Acts shall be laid on the table of this House, if Parliament shall be sitting; and, if not sitting, then within fourteen days after the commencement of the ensuing Session; and that such Acts of *Sederunt* shall not be binding until they shall have received the sanction of Parliament. The present practice has the appearance, only, of the sanction of Parliament to these Acts; for they are not brought here until they are brought into operation, and all the mischief which too often results from them has been, already, occasioned.

Mr. GILLON. — I second the amendment.

Question put, "That after the words 'from the,' in press 13. line 24., be inserted these words: 'passing of such Acts of *Sederunt*, if Parliament shall then be sitting; and if not sitting, that then, within fourteen days of the'" ——

The ATTORNEY GENERAL. — The words proposed to be introduced by the Honourable Member for Greenock would render the Acts of *Sederunt* wholly nugatory; for, as often as Acts of *Sederunt* should be published, an Act of Parliament would be necessary, *toties quoties*. These Acts of *Sederunt* are analogous to those orders that are made under the Imprisonment for Debt Bill of last Session, and which come into operation immediately; and are totally different from those judges' orders which are in the nature of Acts of Parliament, and which require the sanction of Parliament before they are acted upon. The most injurious consequences would result if it were said that these Acts of *Sederunt* should not come into operation until six weeks or two months after they had passed.

Mr. HUME. — I cannot understand the Honourable and Learned Gentleman's argument. At this time, every Act passed by the Assembly of Upper Canada must lie over for six weeks or two months before it can be the law of the country. All that my Honourable Friend requires, is, that these Acts of *Sederunt* should be laid on the table of this House before they are brought into operation as law.

The House divided: — Ayes 17; Noes 53; — Majority 36.

AYES.

Aglionby, H. A.	Brotherton, J.
Bridgeman, H.	Chalmers, P.

Ellice, E.	Vigors, N. A.
Hector, C. J.	Warburton, H.
Hume, J.	White, A.
Melgund, Lord Visct.	Williams, W.
Morris, D.	
Redington, T. N.	*Tellers.*
Somerville, Sir W. M.	Gillon, W. D.
Stansfield, W. R. C.	Wallace, R.
Turner, W.	

NOES.

Baring, F. T.	Macaulay, T. B.
Bernal, R.	Mackenzie, T.
Blake, W. J.	Nicholl, J.
Bruges, W. H. L.	O'Ferrall, R. M.
Busfeild, W.	Packe, C. W.
Campbell, Sir J.	Parker, J. (Sheff.)
Cayley, E. S.	Parnell, Rt. Hn. Sir H.
Clerk, Sir G.	Pendarves, E. W. W.
Craig, W. G.	Pigot, D. R.
Curry, Mr. Serjeant	Pringle, A.
Dalmeny, Lord	Rae, Rt. Hon. Sir W.
Eliot, Lord	Rice, Rt. Hon. T. S.
Elliot, Hon. J. E.	Rolfe, Sir R. M.
Evans, W.	Rumbold, C. E.
Freshfield, J. W.	Sanford, E. A.
Gordon, R.	Sinclair, Sir G.
Grant, F. W.	Stanley, Hon. E. J.
Greene, T.	Steuart, R.
Hastie, A.	Stewart, James
Hawkins, J. H.	Stuart, Lord J. (Ayr)
Hobhouse, T. B.	Stock, Dr.
Hope, Hon. C.	Stormont, Lord Visct.
Hope, G. W.	Talfourd, Mr. Serjeant
Howick, Lord Visct.	Williams, W. A.
Hughes, W. B.	
Lambton, H.	*Tellers.*
Lemon, Sir C.	Maule, Hon. Fox
Lushington, Rt. Hon. S.	Rutherfurd, Rt. Hn. A.

Mr. WALLACE. — I now propose that in press 13. line 31., after the word "given," to insert the words, "which aforesaid Acts of *Sederunt* shall not be binding or take effect until sanctioned by Parliament."

Question, "That those words be there inserted," put, and negatived; Bill passed.

Question proposed, "That the title be, 'An Act to regulate the Duties to be performed by the Judges in the Supreme Courts of Scotland, and to increase the Salaries of certain of the said Judges.'"

Mr. WALLACE. — Sir, I propose, as an amendment, to leave out from the word "Scotland" to the end of the proposed title, in order to add the words "so as to increase to these Judges their present State of Ease and Comfort, by adding largely to their Salaries without adding at all to their Judicial Duties, or diminishing the Delay, Expense, and endless Vexation created by the frequent breaking up of the Courts, by reason of long Vacations," instead thereof.

Mr. E. ELLICE, Jun. — I beg to second the amendment.

Question put, "That the words proposed to be left out stand part of the proposed title."

Mr. FOX MAULE. — It may be very well to excite a smile by proposing such an amendment; but I cannot help saying that it tends to bring the proceedings of this House into contempt. I therefore protest against it.

Mr. HUME. — This Bill has my unqualified opposition; because, instead of tending to lessen the expense of these courts, it will insure a most lavish expenditure. I protest, once more, against it, and think it is most appropriately described in the title proposed by my Honourable Friend.

Mr. E. ELLICE, Jun. — My reason for seconding the amendment of my Honourable Friend was, that this Bill will insure an additional expenditure of 15,000*l.* a-year, without producing the slightest advantage to the public.

Agreed to.

Main question put, and agreed to.

COPYHOLDS ENFRANCHISEMENT BILL.

Read a third time; clause added; amendments made; Bill passed.

PAPER DUTIES BILL.

Order for further consideration of Report, read; Bill recommitted; considered in committee; to be reported to-morrow.

BRICK DUTIES BILL.

Order for further consideration of Report, read; Bill recommitted; considered in committee; to be reported this day.

COPYRIGHT BILL.

On the motion of Mr. SERJEANT TALFOURD, the Order of the day for the House going into committee on the Copyright Bill, read.

Mr. WARBURTON. — There are many clauses of the Bill which will lead to a lengthened discussion; and I hope, therefore, that the Honourable and Learned Gentleman will not press

the House into committee at so late a period of the sitting. It is now Thursday morning.

Mr. SERJEANT TALFOURD. — If it be apprehended that the remaining clauses of the Bill will lead to a long discussion, I will not press my motion, and will fix the committee for to-morrow, in hopes that some arrangement may be made to enable me to proceed with the Bill.

Committee deferred till this day.

SOLDIERS' PENSIONS BILL.

Read a second time, and committed for Wednesday next.

STANNARIES COURTS (CORNWALL) BILL.

Considered in committee; to be reported this day.

METROPOLITAN POLICE COURTS (ADVANCE OF MONEY.)

In committee.[1]

Resolved, "That an annual sum, not exceeding 50,000*l.* over and above the necessary disbursements for the buildings of the Metropolitan Police Courts, and the retiring allowances of magistrates, shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, towards defraying the salaries of the magistrates, receiver, and officers, and the other expenses of the said courts, and of putting in execution an Act of this Session of Parliament for regulating the Police Courts in the metropolis.

Resolution to be reported this day.

PUBLIC WORKS (IRELAND) BILL. — SHANNON NAVIGATION BILL.

Committees severally deferred till this day.

PAROCHIAL CURE OF SOULS BILL.

Read a second time, and committed for Monday next.

PATTERNS AND INVENTIONS BILL. — SMALL TENEMENTS BILL.

Second readings severally deferred till Wednesday next.

SUPPLY. — WAYS AND MEANS.

Committees severally deferred till Friday.

BILLS OF EXCHANGE BILL (No. 2.).

On the motion of the CHANCELLOR of the EXCHEQUER, the Order of the Day for the second reading, read.

Question put, "That this Bill be now read a second time."

Mr. CAYLEY. — This is a very important Bill, although it appears to be taken as a matter of course. This is the third Bill that, during the last three years, has been introduced on the same subject, and which has, on every occasion, I believe, been brought forward at a late hour of the evening. I do not intend to oppose the motion for the second reading, provided it be understood that an opportunity will be given for discussion on going into committee.

The CHANCELLOR of the EXCHEQUER. — The other Bill, which is still before the House, was brought in by me some short time back, and passed unanimously. It was returned to this House with certain amendments; and if we had consented to adopt those amendments, without alteration on our part, the Bill would, ere this, have been passed. But we considered that some doubts might arise, from the form in which those amendments were inserted, as to the construction that Parliament intended should be put on the Act. Accordingly, we deemed it advisable to introduce another Bill, embodying the Lords' amendments, together with others which are consequent upon them. Our only object in bringing forward this new Bill, was, to prevent the possibility of any misinterpretation of the Act at a future time. Under these circumstances, I hope no difficulty will be thrown in the way of the passing of the measure.

Mr. CAYLEY. — If the Right Honourable Gentleman will give an opportunity for discussing the Bill on going into

committee, I have no objection; but I cannot allow such a measure to pass *sub silentio*. Does this Bill contain any provision for excepting land from its operation?

The CHANCELLOR of the EXCHEQUER. — The Honourable Gentleman, on reference to the Bill, will see that land is specially guarded. The Bill will not affect landed security, at all.

Mr. WAKLEY. — I think the landed proprietors of this country are much in error in desiring to retain any portion of the Usury Laws. I wish to know why the limits of two years and 10*l.* are made in this Bill?

The CHANCELLOR of the EXCHEQUER. — I believe the experiment of relaxing the Usury Laws has been found useful as far as it has yet been carried into operation; and for bills coming from distant countries, nothing can be more improper than that the drawer of the bill should be in ignorance as to what may be the state of the law in England at the time that the bill arrives. At the same time, there is great objection in many quarters, against making the law perpetual. Therefore, as I cannot get perpetuity, I am willing to accept all the good I can obtain, and so I adopt the period of two years. As to the exception of sums under 10*l.*, I do not, myself, set much store by it; but it has been suggested by many persons, that, as regards small loans, it was not expedient to make any alteration in the Usury Laws; and I have acceded to that suggestion. I trust, however, that the time is not far distant, when the whole question of the Usury Laws will receive a full and impartial consideration.

The question was then agreed to; Bill read a second time, and committed for to-morrow.

PAPERS, &c.

British Museum. — Paper (presented 24th of June).

King's Inns (Dublin). — Return (presented 25th of June).

Prisons (Scotland). — Returns (presented 28th of June).

Severally ordered to be printed.

Adjourned at a quarter before one o'clock.

HOUSE OF LORDS, JOVIS, 4° DIE JULII, 1839.

APPEALS.

Gwynne *v.* Collins (writ of error).—The judges delivered their opinions *seriatim*, on the questions of law propounded to them; and the further consideration of the cause was adjourned, *sine die*.

Duncan *v.* Findlater.—In part heard, and adjourned to Monday next.

AIRTH PEERAGE.

A witness ordered to attend, and to produce a certain document.

EARL OF GALLOWAY'S ESTATE BILL.—READING CORPORATION ESTATE BILL.

Returned from the Commons, agreed to.

MARQUESS OF CHOLMONDELEY'S ESTATE BILL.

Reported, without amendment.

WEGUELIN'S DIVORCE BILL.

Amendment reported (according to order); and Bill to be ingrossed.

COMMISSION.

The following Bills received the Royal Assent:—

Sugar Duties Bill; Exchequer of Pleas Bill; Liverpool Churches Bill; Peterborough Gaol Bill; Manchester and Birmingham Railway Bill; Monkland and Kirkintilloch Railway Bill; West Durham Railway Bill; Camber Quays (Portsmouth) Bill; Moy Navigation Bill; West Croft Canal Bill; Itchen Bridge and Roads Bill; Lord Templemore's (Duke of Richmond's) Estate Bill; Allison's Divorce Bill.

THE QUEEN'S ANSWERS TO ADDRESSES OF MONDAY LAST.

Reported.

NORTHERN AND EASTERN RAILWAY BILL (No. 1).

Reported, without amendment.

NORTHERN AND EASTERN RAILWAY BILL (No. 2.).

Reported specially, with amendments.

DEPTFORD PIER JUNCTION RAILWAY BILL.

Reported, with an amendment.

BOROUGH WATCH RATES BILL.

To be read a second time to-morrow.

SOUTH EASTERN RAILWAY BILL (No. 2.).

Returned from the Commons, with the amendment agreed to.

NEWPORT DOCKS BILL.

Brought from the Commons, and read a first time.

PATENT WHITE LEAD COMPANY BILL.

Returned from the Commons, with the amendments agreed to.

LONDON AND BLACKWALL RAILWAY BILL.

The BISHOP of LONDON presented a petition of the Lord Mayor, aldermen, and commons of the city of London, in Common Council assembled, praying to

be heard by counsel against the Bill. — Read, and ordered to lie on the table.

DEPTFORD PIER BILL.

The House being informed by the Chairman of Committees, that the opposition to this Bill was withdrawn — the order, made on Monday last, for the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills, was discharged; and the Bill committed to all the Lords present, this day. The committee to meet on Monday next.

SUPREME COURTS (SCOTLAND) BILL. — COPYHOLDS ENFRANCHISEMENT BILL.

Brought from the Commons; read a first time, and to be printed.

ESTABLISHED CHURCH.

LORD KENYON presented petitions against any measure having for its object the reduction of cathedral dignities,— of clergy and laity of the deanery of Cirencester; and of clergy and laity of the deanery of Winchcomb in the diocese of Gloucester and Bristol. — Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

LORD REDESDALE presented a petition for alteration of, relative to the bastardy clause,— of members of the board of guardians of the Shipston on Stour union. — Read, and ordered to lie on the table.

BLOCKADE OF BUENOS AYRES.

VISCOUNT STRANGFORD. — My Lords, I feel justified in asking a question of the Noble Viscount at the head of her Majesty's Government, because I think that, by doing so, I may save much of the time of the House hereafter. I have read with much concern and surprise, in the public journals, a letter purporting to be from the French consul at Monte Video to the English consul at Buenos Ayres, announcing the intention of the French Government to extend the blockade, which has already existed at the latter place for upwards of sixteen months, along the whole tract of coast belonging to the Buenos Ayrean Government. This tract is equal to an extent of 3000 miles; and it is, therefore, impossible that the announced blockade can be anything more than a paper blockade. Now, what I wish to know is, whether her Majesty's Government have any official cognizance of this blockade? whether they recognise it? and if so, whether, in consideration of the increased danger and inconvenience the British trade will be exposed to in that quarter, they mean to augment the naval force there?

VISCOUNT MELBOURNE. — No information has reached the Government on the subject.

VISCOUNT STRANGFORD.— I beg to give notice, that, on Tuesday next, I shall present a petition from the merchants and shipowners of London, regarding these blockades.

CLERGY RESERVES (CANADA).

The BISHOP of EXETER. — My Lords, I am anxious to put a question to the Noble Marquess at the head of colonial affairs, upon a subject on which I have already troubled him two or three times. I wish to know whether her Majesty's Government have yet received any notification of the Governor of Upper Canada having received the address required by law from the colonial Legislature, relative to a Bill which is understood to have passed that Legislature respecting the disposal of the clergy reserves?

The MARQUESS of NORMANBY. — In reply to the question of the Right Reverend Prelate, I beg to observe, that the Government have received no such notification from the Governor; and that the law officers of the Crown have given an opinion, that the Bill cannot be laid before Parliament without the previous reception of the address, or the notification of address.

The BISHOP of EXETER. — I beg to ask whether her Majesty's Government are, in fact, aware that such an address from the colonial Government has been received by the Governor?

The MARQUESS of NORMANBY. — The Government have heard that such is the fact, but have received no official notice of it.

The BISHOP of EXETER. — Perhaps the Noble Marquess will be so good

as to inform me whether the Governor has transmitted to her Majesty's Government a copy of the speech which he delivered on proroguing the colonial Parliament, in which speech is the following passage: —

I shall feel it to be my duty, to the utmost of my knowledge and ability, to put her Majesty's Government in possession of the desires and opinions of the people of Upper Canada, regarding the public aid to be afforded to the maintenance of the Christian religion in the colony; and will, without loss of time, transmit that Bill, together with your address thereon?

The MARQUESS of NORMANBY. — Government have received a copy of that speech from the Governor; but it did not appear sufficient to authorise the laying of the Bill before Parliament.

PRINTING OF THE BIBLE.

The EARL of HADDINGTON. — A notion has got abroad, which has occasioned a great deal of apprehension in Scotland, that it is the intention of the Government to place some dissenting ministers or minister in the commission for superintending the printing of the Bible. I wish to know from the Noble Viscount opposite, whether there is any foundation for such an opinion?

VISCOUNT MELBOURNE. — I am not aware of the existence of any such intention as that alluded to by my Noble Friend.

The EARL of HADDINGTON. — I am very glad I asked the question, as the answer will be calculated to allay the apprehension which exists.

CRIME IN IRELAND.

The MARQUESS of LONDONDERRY. — Seeing the Noble Lord, the Chairman of the Committee on Crime in Ireland, in his place, I beg to ask when the Report of that committee may be expected?

LORD WHARNCLIFFE. — The committee — having finished taking evidence, some portion of which is already printed — have come to a resolution on the subject of making a Report; but what that decision is, I need not now state. I trust, however, to be enabled to inform your Lordships of it before the end of next week.

SABBATH.

The BISHOP of LONDON presented petitions for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of the parish of Saint Werburgh, Derby (two petitions). — Read, and ordered to lie on the table.

PRISONS BILL.

The BISHOP of LONDON presented a petition against the clause permitting the appointment, in prisons, of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of members of the Protestant Association of Peckham and East Dulwich. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

The BISHOP of LONDON presented petitions against the plan recommended by the Privy Council, — of inhabitants of Little Hallingbury. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

Petitions for the further endowment of, — of the minister, elders, parishioners, and congregation of the church and parish of Saint David's, Edinburgh: of freeholders, feuars, and inhabitants of Invergordon; and Saledurn: of members of the congregation of the East Parish, Aberdeen; and South Church, Paisley: of inhabitants of Carinish; Pencaitland; Barvus; Saint Cyrus, Kincardine; Bohann; Kilrenny; Blairingone; and Kennoway: and of persons signing.

On presenting the above petitions, —

The EARL of ABERDEEN said: — I have now presented upwards of 300 petitions from parishes in Scotland on this subject; and I have no doubt other Noble Lords have presented as many. It appears, however, that her Majesty's Government are disposed to turn a deaf ear to these petitions, and I shall not press the matter further at present.

Read, and ordered to lie on the table.

TITHE ACT AMENDMENT BILL.

The MARQUESS of LANSDOWNE.

—I beg leave to avail myself of the privilege to which your Lordships are accustomed, of laying on the table a Bill which has been anxiously looked for,—I mean "A Bill to explain and amend the Acts for the Commutation of Tithes in England and Wales." To the principle of this measure there can exist no objection; and I think I shall better consult the convenience of your Lordships, by deferring to state the particular provisions until the second reading. I therefore will now only move that the Bill be read a first time.

The Bill was accordingly read a first time; to be printed, and to be read a second time on Tuesday next.

EDUCATION (NATIONAL).

VISCOUNT STRANGFORD.—When I gave notice of my intention to present a petition on Tuesday next, I was not aware that the Education Bill of the Noble and Learned Lord opposite was fixed for that day; and I now venture to ask whether he will do me the favour to postpone it?

LORD BROUGHAM.—I am sure that I shall be very happy to meet the wish of my Noble and Learned Friend; but I am in the hands of the House. Everybody knows how reluctantly I have postponed the Education Bill from time to time. However, I have no objection to fix it for Thursday next, if no one will ask me to put it off again.

The MARQUESS of SALISBURY.—The Prisons Bill is fixed for Thursday.

LORD BROUGHAM.—Cannot the Prisons Bill be put off till Friday?

The LORD CHANCELLOR.—It has already been once postponed; and I must proceed with it on Thursday.

The second reading of the Bill was then postponed to Friday, the 12th instant; and the Lords summoned.

JAMAICA.

The EARL of HAREWOOD.—Before proceeding to the Order of the Day, I beg leave to say a few words respecting the Jamaica Bill. I have taken some pains to disencumber this question, in my own mind, from everything like party feeling, irritation, and parliamentary tactics; and the result of this process I will endeavour to state to your Lordships. Over and over again it has been declared that the hinge on which all this turns is the Prisons Bill. Now, I wish to state the truth; if what I say is not the truth, it is good for nothing. The Prisons Bill was brought in, late in the Session. Owing to the absence of some Peers, and the inattention to business which is commonly found to exist at that time of the Session, the measure passed through your Lordships' House without any observations from any Noble Lord, with the exception of a Noble Baron. It went through the other House in like manner. I do not believe that Parliament was aware that they were passing a Bill which trenched so deeply as this does on the privileges of the House of Assembly of Jamaica. I believe that fact to have been so. If it was so, I think that much, if not all, of the existing difficulty might have been removed; for if the Government at home had instructed the Governor of Jamaica to signify to the House of Assembly that such was the case,—though the confession might not, perhaps, have been much for the dignity of Parliament to make, yet it would, I believe, have produced the best results in other respects. I would have made this communication, not in the way of apology, to which I am no more inclined than the rest of your Lordships: but if the communication had been properly made, what has occurred might have been obviated; for it is evident to all the world, from the late debates, that, if the measure had been discussed, at its original introduction, as the principle of it has been but lately, it would never have passed. Or even if the Government, here, were to instruct the Governor now going out, to declare so much to the House of Assembly, I am convinced that that would remove the difficulty altogether. If this statement were made to them, I fully believe that the difficulty would be got rid of; but if the House of Assembly held out under that explanation, then I would be a party, as readily as anybody, to supersede the House of Assembly. If this course be not taken, I am much afraid that the measure now before the House will but serve to put the whole island into a state of discontent, and to delay, for a long time, the further progress of civilisation there. I wish, therefore, to suggest to the Noble Viscount the propriety of withdrawing the Bill; and I will only add that I take this course of my own motion, from my conscientious feelings on this subject, and with no intention of defeating the Bill in a clandestine way.

LORD BROUGHAM.—In consequence of what passed in committee, the night before last, I am prepared to giv-

your Lordships an opportunity of passing your judgment on the second clause, and now the only clause, in this unfortunate Bill. I stated my own objections to the measure, the other night; and my Noble and Learned Friend opposite (Lord Lyndhurst), in his able speech,—which formed, indeed, the foundation of the whole debate,—discussed the subject most clearly and ably, as he always discusses every subject which he takes up: but he confined his remarks nearly wholly to the first clause of the Bill; though, before the end of his address, he, as I understood him, certainly referred to the second clause,—but only in part. My Noble and Learned Friend drew a distinction between such of the expiring Bills as were Money Bills, and such as were not; and this distinction and difference between the two ought to be carefully made and observed,—and that, for reasons involving, as appears to me, the credit and honour of Parliament. My Noble and Learned Friend, therefore, besought the Ministers of the Crown to withdraw this part of the measure,—leaving the enactment to apply to the other Bills, but not to the Money Bills. I would now fain make the same appeal. I argued this question at so much length, the other evening, that I will only, now, offer a few words by way of expounding my ground of objection to the measure. These Money Bills, then, have expired by lapse. This Bill goes to renew them. But renewing an expired law is, in this instance, bringing in a new law, and imposing a new tax. I am almost ashamed to argue a question so plain; but, however, I will illustrate my meaning by an instance. The country had an income tax some time back,—God knows they suffered enough under it for many a long year,—but, in concert with several friends in the other House, I entered into a contest on the question, which ended in terminating the existence of this tax, and confining it to the time of war. That tax is an expired law, and expired by virtue of a clause precisely similar to that under which the Jamaica Acts are coming to an end. It was by a clause precisely similar to that, that the income tax, I say, expired,—having been limited to war time, and no longer. If any one were to bring in a Bill to renew this impost, it would be to establish a new tax, as much as if the income tax had never been in existence. Now, all these Acts having expired, renewing them is establishing them afresh. It is true, there is a certain degree of difference between imposing a new tax and re-enacting one to which the people have already given their assent. As to these Money Bills, no such necessity for renewing them exists, as for renewing the others; and I am authorised by the agent of the House of Assembly, who argued the question in so able a manner at the bar, to state, that, according to the practice of the courts in Jamaica, and the construction which has been put upon those Acts by the judges there, the public credit, founded on the resolution of the House of Assembly, is sufficient to cover the demands of every public creditor, whether military or civil. Where, then, is the necessity for this imposition of taxation on the colony? The grand corner stone of the constitution,—the foundation of all the franchises, rights, and privileges of Englishmen,—is, the principle that the people shall not be taxed except by their own consent. I know it was held, formerly, by a learned lawyer,—(I hope that no such lawyer will, at the present day, be found within the House),—that, though this general doctrine was true, yet that the colonies might be taxed; for that the colonies were virtually represented, because they, for some legal purposes in this country, were said to belong to the manor of East Greenwich. That doctrine, however, was scouted at the time, and the law, with respect to the taxation of colonies most clearly and distinctly laid down in the Declaratory Act of the British Parliament. My Lords, this 4th of July, 1839, is the first time on which any British statesman has been obliged to address this House against an attempt to revive that right which was abandoned at the American war. I know that the English Parliament is a powerful body: it is because it is powerful, because it is just, because it loves justice, and because it prefers the exercise of mercy to the oppression of the weak, that I call upon this House to abstain from lending itself to oppression. I will not stop to discuss the argument, that you are not imposing taxes, because you are not enacting the imposition of taxes directly by the Bill, but indirectly by means of a dictator delegated for that purpose. I say this is the first time, since 1778, that the British Parliament has been called upon to consider a measure for imposing taxation upon a colony, and imposing it in the worst possible way. Let not your Lordships flatter yourselves that this country will not give you the credit, or rather the discredit, of having broken faith with the colonies, and of having broken faith with this country; when you are aware that you would not attempt the same experiment against the strong, and would only try it against a weak settlement like Jamaica. It is not a safe course for your character—for your honour,—it is not safe for your credit with the coun-

try,—to take this step. I protest that your honour, that your character, and that your credit would be more damaged by any oppression of the weak, than if you were to succeed, after a gallant struggle, in subduing a powerful antagonist. Your Lordships should especially protect the feeble; you should carefully abstain from oppression. I am not one who would advise you exactly to adopt the Roman eulogy,—

Parcere subjectis, — debellare superbos;

—but, at any rate, I beg that you will not reverse it. Do not trample on the feeble; for those who do so will be most likely to crouch before the powerful. I have framed a proviso; and should it not meet with the approval of your Lordships, I shall feel it my duty to enter my dissent from any vote in favour of the measure, in the very words of my protest against the Canada Bill.

The amendments having been reported, and agreed to, —

LORD BROUGHAM said: — I beg to move the following proviso: — "Provided that nothing herein contained shall enable the said Governor, with the assent of the said Council, to continue or renew any Acts for the raising or appropriating of money."

VISCOUNT MELBOURNE. — As an appeal has been made to me by the Noble Earl (the Earl of Harewood), and by my Noble and Learned Friend (Lord Brougham) on my right, to withdraw the Bill, or that part of the second clause which relates to Money Bills, I can assure them that I should be disposed to accede to any suggestion which would put an end to this question, if that assent could be given consistently with common justice and fairness; but it is impossible for me to concur with my Noble and Learned Friend in an expectation which he has given us no ground for entertaining. What is the course recommended? To withdraw the present Bill, and to offer an apology for the Bill that has been passed; — to say that that was agreed to, in a hurry, — that it was passed in ignorance of the state of affairs in Jamaica, — that the Parliament did not know that it would overrule the authority of the House of Assembly. I cannot say that, — for I did know the object of the Prisons Bill, and so did many other Noble Lords; though, for reasons into which I will not now enter, we take a different view of the matter at present. I did think, at the time, that the Assembly would conceive that Bill to be an encroachment on its privileges; but it was not the less necessary that it should be passed. It has been said that the measure was agreed to *sub silentio*; but it does not follow, therefore, that it was not known; and, if it passed *sub silentio*, it was because all parties concurred in it. Having passed it, I feel it will be impossible, consistently with the honour and dignity of Parliament, and the safety of the colony, to agree to the suggestion of the Noble Earl; neither can I assent to the proposition of my Noble and Learned Friend, Lord Brougham, — though I agree with him in the general principle he has laid down, — that it is the same to renew an expired Money Bill, as to propose it originally. I agree with him, also, in the principle that it is worse to attack or oppress a weak opponent than a strong one. In all of this I perfectly concur: but then the question comes, — Are your Lordships oppressing a weak opponent by this measure? If you were, no doubt all that my Noble and Learned Friend has said on the subject would be perfectly applicable. Undoubtedly, to oppress a weak opponent would be base, unmanly, and dishonourable, as the Noble and Learned Lord has said; but, without again going into the arguments on the subject, I must contend that the measure before your Lordships is rendered necessary by the conduct of the House of Assembly. The power which it grants is absolutely required to carry on the government of the colony. It is, in all respects, necessary to pass the Money Acts alluded to; and therefore I, for one, certainly cannot consent to the proposition of my Noble and Learned Friend.

The EARL of WICKLOW. — I confess that, after the concurrence expressed by the Noble Viscount in the principles laid down by the Noble and Learned Lord, I am greatly surprised at the resolution to which he has come. The answer given by the Noble Viscount to the Noble and Learned Lord's argument is anything but convincing. The Noble Viscount states that he considers himself justified in maintaining these enactments, because the Government conceive that they are not doing an act of injustice to, but are benefiting, the colony. May not any act of any Administration be justified by such an answer? Is it satisfactory that a Minister should say, "It is my belief that such and such a Bill is necessary, and therefore I may disregard the constitution?" This is the first time, since the passing of the Declaratory Act, that Parliament has violated the principle there laid down, — that the people shall not be taxed except by their representatives. Your Lordships

are exercising an interference which, I contend, is not justified by the necessity of the case; for, in the very protest of the House of Assembly, they declare that they will suspend their legislative functions, except in the cases of such Bills as are necessary to keep faith with the public creditor. By this declaration it is clear that they mean to except Money Bills; for it never entered into their minds that the British Legislature would attempt to interfere with such Bills. I do trust that the Government will give way to the suggestion of the Noble and Learned Lord. I trust they will not, on any grounds of expediency, such as we have heard of, consent to a violation of that principle, on which your Lordships are all agreed. Upon the whole, I consider that the proposed amendment is more important than that of the former evening; and, if your Lordships should reject it, — which I do not expect, — I shall feel it to be my duty to enter my strongest protest against the Bill.

LORD CLONCURRY. — I have experienced great pleasure in hearing the constitutional doctrines advanced by the Noble Earl who has just sat down. If I understand the matter correctly, this Bill, brought in by the Government, is intended to carry out a most important Act, for which the country, much to its credit, but a few years since, made so great a pecuniary sacrifice. Twenty millions of the public money were voted to the planters, on condition that the negroes should no longer remain in a state of slavery. The first part of the agreement has been fully performed by the people of England; but it appears that there is a difficulty in procuring a fair performance of the condition on the part of the planters. It is necessary, therefore, that something should be done to carry out the agreement, and to further the great cause of humanity. I should not, however, have spoken on a subject not immediately connected with that part of the empire to which I belong, if I did not perceive a great similarity between the refusal of the representative House of Assembly in Jamaica to remove the inflictions on the negroes, and the manner in which a certain party in my own country endeavour to prevent the intentions of the Legislature, — in giving to all persons there the rights of fellow subjects, — from being carried into effect. I was named on the committee appointed to inquire into the state of crime in Ireland; but I objected to being appointed, because I thought that it was only intended to preserve, in Ireland, the very system I condemn in Jamaica. The people of England and of Ireland covered themselves with honour and glory in making the great sacrifice they did, in order to give freedom to the negro; and I, for one, would insist on all the conditions being performed.

The MARQUESS of NORMANBY. — The Noble Earl opposite (the Earl of Wicklow) has repeated the statement of the Noble and Learned Lord near me, that this is the first time this country has interfered with the colonies, in the shape of taxation, since the Declaratory Act of 1778; and certainly there has been no direct Money Bill brought in. But I would observe, that this is the first time any similar necessity for such a course has arisen; it is the first time that any body, trusted with legislative functions, have declined to exercise them, — not from any objection they entertain to any of the Bills that are annually passed, but from some alleged affront. Under the circumstances, therefore, it is necessary to revive the taxes, the distribution of which the Assembly approved of in former years; and I cannot conceive that an interference to this extent is open to the objections which have been urged. It is said that this clause in the Bill is not necessary, as the Acts by which faith is to be kept with the public creditor will include and cover all the necessary expenditure of the colony. This, however, is not the fact. It will not include the army pay and army lodging; it will not include the expenses of the commissioners of public accounts; it will not include the expense of the police, and of the maroons, and the expenses of the deputy marshal.

LORD LYNDHURST. — What is the amount of the whole of this expenditure?

The MARQUESS of NORMANBY. — 42,840*l.*; and the whole of the services for which this will make a provision must be left unprovided for, unless these Acts be renewed. Now, the whole of the expenditure necessary for carrying on the administration of justice is included under the head of that of the deputy marshal, with the exception of the payment of the judges. The contingencies already provided for amount to 61,000*l.*; but in this is not included the sum of 42,840*l.*, which I have just mentioned. The probable revenue to be collected will amount to about 117,000*l.*; but to this is to be added a balance in the hands of the treasurer, which will make the whole amount to 174,000*l.* Unless, however, as I have said, certain Acts be renewed, there will be many

contingencies left unprovided for; and besides, there are certain foreign duties, which, if not levied, will be lost altogether to the colony. Your Lordships must bear in mind, again, that there appears to be no provision for the repayment of the 200,000*l.*, which will become due to this country within the next two or three years. The police tax is for a very necessary expenditure; the army pay and the army lodgment are a fair appropriation of the public money of the colony, — it is an addition made by the colony to the pay of the soldiers serving in the colony, and for extra lodgment, and has always been considered a correct charge. But the provision for the deputy marshal is the most important of all; and without it, many of the expenses connected with the administration of justice, independently of the salaries of the judges, would be thrown away, in some measure. The amendment of the Noble and Learned Lord says that no money shall be raised "or applied." Now, all the Acts apply money — the Process Act, the Police Act, and other Acts, all contain their several applications; and, in point of fact, the amendment now before the House — with the exception of the Clergy Bill — strikes out every one of the expired Acts from the operation of the Bill. For these reasons, I certainly trust that your Lordships will not agree to the motion of the Noble and Learned Lord, — which, as it at present stands, would exclude every one of the Acts of this clause; and I equally trust that your Lordships will not refuse to provide for those public services most necessary for conducting the public business of the colony.

VISCOUNT ST. VINCENT. — I beg to observe that the army extra pay has always been a purely voluntary payment on the part of Jamaica. I think that the including of this payment in the clause, would be making a voluntary into a compulsory one. It really does appear to me to be a case of hardship with respect to that particular Act. I regret exceedingly that the Noble Viscount (Lord Melbourne) should not assent to the motion of the Noble and Learned Lord. I very much regret this, because I think it would tend very much to soothe down and mitigate the feeling which exists, and would seem as a gracious boon — I had almost said — to the people of Jamaica. I certainly do not wish, on my part, to raise any improper opposition to the clause; and I must put myself in the hands of the Noble Viscount (Viscount Melbourne) *opposite.*

LORD BROUGHAM. — My Noble Friend behind me (Lord Cloncurry) has put in a protest against me, against which I must, in my turn, protest. My Noble Friend is an excellent landlord in Ireland; and therefore, whatever he says is likely to pass with a people who are very generous and warm-hearted, and of an easy faith. The Noble Lord has taken a most extraordinary view of this subject; and I do not wish my friends in Ireland to think that there is any difference between us, where there is none at all, especially as to the treatment of the negro slaves. The Noble Lord's statement with respect to the treatment of 7,000,000 or 8,000,000 of Irishmen by the Committee on the State of Crime, will be circulated all over Ireland; and, coupled as it will be with the statement that I am aiding the House of Assembly, who, it is said, wish to treat the negroes ill, it will appear as if, in opposing the present Bill, I was opposing emancipation itself. The Noble Viscount at the head of her Majesty's Government made some very singular remarks, the other day, as to a Noble Lord's voting from party motives. "I," said the Noble Viscount, "am an independent man, and therefore I vote from party motives." Those who vote disinterestedly are not, according to the notions of my Noble Friend, independent men. Now, it is quite clear to me, that if your Lordships divide, Noble Lords on the Opposition side will vote with my Noble Friend; for they will vote from party motives. And if it were my disposition to act from such motives, I should have abstained from proposing any amendment at all, and have left the clause as it now stands,—for a more complete triumph of party cannot be than this Bill, as it is now proposed; seeing that it is the Bill of Sir Robert Peel, and not the Bill of my Noble Friends behind me. This is exactly the measure submitted by Sir R. Peel as an amendment on the first Jamaica Bill. It is Sir R. Peel's Bill, meant as a substitute for the Government Bill, as the clause now stands. I certainly will not be drawn from the motion, but will leave it in the hands of my Noble Friend (the Lord Chancellor) to be put to your Lordships.

The proviso was then put, and negatived; Bill to be printed, as amended; and to be read a third time to-morrow; and the Lords summoned.

IMPORTATION OF WHEAT, &c.

On the motion of LORD ASHBUR-

TON, there were ordered to be laid before the House —

Return of wheat, flour, oats, and barley imported from foreign countries, or from her Majesty's colonies, into the United Kingdom, during the year 1838, and the first half year of 1839; distinguishing the several months during that period, and such part of the said importations as were made in bond, from what was imported directly to home consumption. Also,

A Return of all wheat, flour, oats, and barley, for the same period, admitted to home consumption; and of the rate and amount of duty collected on the same. Also,

Statement, for the same period, of the average prices of wheat, flour, oats, and barley, by which duties were regulated according to the existing law. And, also,

Statement of the quantities of wheat, flour, oats, and barley remaining in bond, at the latest period when the same can be made out.

SPIRITS ACT (IRELAND).

Petitions for alteration of, — of grocers and spirit dealers and others of Thurles; and Cashel. — Read, and ordered to lie on the table.

POSTAGE.

Petitions for reduction of the rate of, — of inhabitants of Aberchirder; and St. Nicholas, Colchester. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against, — of clergy of the rural deanery of Lleyn, in the diocese of Bangor. — Read, and ordered to lie on the table.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Second reading (which stood appointed for this day) put off to Tuesday next.

ECCLESIASTICAL DISTRICTS BILL.

Committee (which stood appointed for this day) put off to Monday next.

PAPERS.

Copy of Treasury minutes, dated the 30th of August, 1833; the 7th of March, 1834; and the 5th of July, 1838; relating to the application of sums granted by Parliament for the purpose of public education. And, also,

Copy of Order of Council appointing a Committee of Council to superintend the application of any sums voted by Parliament for the purpose of promoting public education; and copies of any minutes of, and of any report from, such committee.

Delivered (pursuant to address of Monday last), and to be printed.

Account of all moneys received and applied by the corporation for preserving and improving the port of Dublin, on account of lighthouses, for the year ending the 31st of December, 1838. — Delivered (pursuant to Act), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and, being returned, Mr. Speaker reported the Royal Assent to the following Bills:—Sugar Duties; Exchequer of Pleas; Liverpool Churches; Peterborough Gaol; Manchester and Birmingham Railway; Monkland and Kirkintilloch Railway; West Durham Railway; Camber (Portsmouth) Quays, &c.; Moy Navigation; West Croft (Nottingham) Inclosure; Itchen Bridge; Lord Templemore's Estate; Allison's Divorce.

PRIVATE BUSINESS.

Stannaries Courts (Cornwall) Bill.—Reported; to be read a third time on Monday next.

Manchester and Birmingham Extension Railway (Stone and Rugby) Bill.—Time further enlarged for committee to report, till Monday, the 15th of July.

Pemberton's Divorce Bill.—Reported, without amendment; to be read a third time to-morrow.

Earl of Galloway's Estate Bill.—Reported, without amendment; read a third time, and passed.

South Eastern Railway Bill.—Lords' amendments agreed to.

Redcar Harbour (No. 2.) Bill.—Petition of owners, masters, and mates of vessels trading between London and the northern and eastern parts of England and Scotland, in favour.—To lie on the table.

Nottingham and Mansfield Small Debts Bill.—Petition of G. M. Cowley, James Cooper, and others, against.—To lie on the table.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely,—

Postage,—By Mr. Bainbridge and Mr. Leader, for a low and uniform rate,—from East Cowes; Crosscombe; Colchester; and members of the Belgrave Scientific Institution.

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Spirits (Ireland),—By Dr. Stock,—from Cashel, for repeal of that portion of Act 6 and 7 Will. IV. which prohibits the sale of spirits by grocers in Ireland.

Thomas Powell,—By Mr. Leader,—of Henry Hetherington, complaining of the imprisonment of Thomas Powell in Montgomeryshire gaol, and of the conduct of the magistrates in not admitting him to bail; and praying relief.

Ballot,—By Mr. Leader,—from the Bridgewater Protection Society, in favour.

Copyright Bill,—By Mr. Serjeant Talfourd,—of John Hugh Paisley Polson, in favour.

Army,—By Sir Robert Ferguson, for enabling Presbyterian soldiers to participate in the services of their church,—from Derry; Cappagh Cross Roads (minister); Londonderry (two petitions); Knowhead; Donaughady; and Drogheda.

Elective Franchise (Ireland),—By Mr. E. B. Roche,—from Kilmurry, for equalisation and extension.

County Courts Bill,—Of Thomas Brook Bridges Stevens, for compensation for any loss he may sustain, in case the Bill should pass into a law.

Harbours of Refuge,—By Mr. Mackinnon,—of Henry Barrett, suggesting a plan for the construction of harbours of refuge, and praying the House to take the same into consideration.

Lighthouses (Ireland),—Account presented,—of moneys received and applied by the corporation for improving the port of Dublin, on account of lighthouses, for 1838 (by Act).—To lie on the table.

TURNPIKE ACTS CONTINUANCE BILL.

Read a second time, and committed for Monday next.

PRISONS (SCOTLAND) BILL. — PAPER DUTIES BILL.—BRICK DUTIES BILL.

Severally reported; to be read a third time to-morrow.

ELECTION PETITIONS TRIAL BILL.

Report further considered; amendments agreed to; amendments made; Bill to be read a third time on Monday next.

METROPOLITAN POLICE COURTS (ADVANCE OF MONEY).

Resolution reported: —

That an annual sum, not exceeding 50,000*l.* over and above the necessary disbursements for the building of the Metropolitan Police Courts, and the retiring allowances of magistrates, shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, towards defraying the salaries of the magistrates, receiver, and officers, and the other expenses of the said courts, and of putting in execution an Act of this Session of Parliament, for regulating the Police Courts in the metropolis.

Resolution agreed to; instruction to Committee on Metropolitan Police Courts Bill, that they have power to make provision therein accordingly.

LOWER CANADA GOVERNMENT BILL.

LORD JOHN RUSSELL. — I now move the Order of the Day for the second reading of the Lower Canada Government Bill.

SIR GEORGE SINCLAIR. — When her Majesty was pleased, on the 6th of February, in her gracious Speech from the throne, to intimate a wish that the affairs of Canada should become the subject of our prompt and earnest consideration, I little thought that the Great Western would have performed three or four trips across the Ocean and back again, before any legislative enactment in conformity with the Royal injunction should have reached a second reading in this House. It will not, I trust, be deemed ill-timed or unreasonable, on my part, to ask her Majesty's Ministers, whether they really think that they *do* govern, or *can* govern, or are *entitled* to govern, the country? I am induced to put this question, not merely on the ground of my own distrust in their wisdom, firmness, and discretion, but because they are so circumstanced, that no measures passed under their auspices can be received, either in Great Britain, or in any of our dependencies, with deference, cordiality, or respect. Dependent upon a feeble and fluctuating majority of from two to ten in this House, — understood to be at sixes and sevens amongst themselves, — almost exclusively countenanced in another place (where resistance upon the part of the Conservatives is synonymous with defeat upon theirs) by Peers either promoted or ennobled by themselves, — they strangle a large proportion of their new-born schemes with such an infanticidal recklessness, as to prove that, according to the canons of political phrenology, their organ of philoprogenitiveness is unusually small; whilst, as regards tenacity of place, it must be evident, even to the most inexperienced manipulators, that their bump of adhesiveness is enormous and preternatural.

[Laughter.]

One of the most useful discoveries in modern science is, that opening a question (unlike opening a railroad) is the most effectual mode of retarding its success; and that, thus, a divided Cabinet is more powerful than a united one. What a pity it is that this invention was not thought of in 1834! What an egregious blunder my Noble and Right Honourable Friends committed, by not having had recourse to this expedient, in reference to the appropriation clause! — an expedient which, instead of entailing upon statesmen who resort to it, honest and virtuous relinquishment of power, leaves place unabandoned, and patronage undiminished! On such an occasion as the present, Sir, I believe that I possess the right, and I shall therefore perform the duty, of animadverting upon the course which her Majesty's Ministers appear determined to pursue; — a course which is pronounced, not only by the unanimous verdict of their opponents, but by the concurrent testimony of their supporters, to be inconsistent, evasive, ambiguous, and unsatisfactory; and which proves, more clearly from day to day, that they cannot carry on the business of the country with credit, efficiency, or advantage. I contend that, as an indispensable preliminary to the consideration of any specific and isolated

question, they ought, on resuming office, to have voluntarily presented a general outline of the measures which they proposed to introduce or adhere to, as well as of the main principles — if any such exist — by which they intend to be guided. It is, no doubt, true, certain of

> Troy's proud dames,
> Whose garments sweep the ground,

have, through their intervention, been enabled to retain their places at the Court. The reciprocity has not, in this instance, at least, been all on one side, — for the ladies have kept *them* in, and *they* have kept in the ladies. But how does this arrangement affect the relations in which the Cabinet stands towards all the great interests of the empire, — domestic, foreign, and colonial? Several weeks have elapsed since Lord Melbourne in the one House, and the Noble Lord in the other, expressed their conviction — a conviction by no means prematurely adopted, or founded on slender premises — that they did not possess the confidence of Parliament. No generous gainsayer rose up, in either Assembly, to question the truth of this assertion, — the ayes had it, *nemine contradicente*. Lord Melbourne even allowed that it was "absolutely impossible" for him to carry through certain measures, which were "absolutely required." Now, I should be glad, Sir, to learn, what Ministers have since achieved, or what they have it in contemplation to attempt, for the purpose of recovering that confidence of which they so lately and so emphatically acknowledged the forfeiture? The country is still altogether at a loss to discover, on the part of the Government, any well-defined principles of action. Are they prepared to follow the advice of the Honourable Member for Bridport, by sanctioning a profuse issue from the Treasury of flash notes, or promissory assignats, for general circulation amongst the liberal electors, in order to encourage and delude them?

I cannot conclude, without adverting to what I conceive to be a very striking contrast between the position of her Majesty's Ministers, and that of my Right Honourable Friend. The language of those who vote with the latter, is that of unabated confidence, and unqualified respect; their wish and expectation is, that he may steadfastly adhere to that system which he has explicitly avowed and persevered in. But what are the feelings expressed towards the Cabinet by a large majority of those on whose suffrages they are compelled to depend, and yet are unable to rely? Are they not taunted at every public meeting — not only by non-parliamentary orators, but those who are now thronging around them in this House — with vacillation and apostacy? Are they not assured that, if they do not modify their present policy, and advance in the career of movement, their partisans will become indifferent, if not hostile, to their continuance in place? My Right Honourable Friend, I repeat, is supported on account of the conduct which he has actually adopted, and which he professes, with the full acquiescence of his friends, an unalterable determination to pursue. Her Majesty's Ministers are tolerated in spite, and not in consequence, of their past and present proceedings; and because it is expected by the very party which keeps them in, that they will change their plans, and abjure their own principles, in defiance of their own protestations to the contrary.

I shall not, at present, pursue this subject further; but content myself by repeating, that the delays which have intervened, in reference to the settlement of the Canada question, afford an additional proof, if any such were wanting, of the inability of her Majesty's Ministers to conduct the affairs of the country.

Mr. HUME. — I do not intend to oppose the further progress of this Bill; but I cannot refrain from expressing my deep regret that the Government have not expressed an intention immediately to re-establish the local Government of Canada. It would, also, have been most satisfactory to learn that the Government were prepared to follow out the recommendations of Lord Durham's Report. I know, from persons in the colony, that such a course would be satisfactory; but as the Government have determined upon leaving everything unsettled, the people in the province are perfectly at a loss to know what they ought to do. Emigration is going on to a great extent; and every hour that it is left without a settled Government, only adds to the evil. I will not make any remarks upon what I believe to have been the origin of all these evils; but I hope that measures will be speedily taken to remove the cause of those evils by the re-establishment of a local Government.

Mr. O'CONNELL. — I cannot say that I agree with my Honourable Friend the Member for Kilkenny. I think the House ought to pause and deliberate before they determine on their future proceedings. I rejoice that her Majesty's Government do

not wish to pledge the House to a union of the two provinces, because I consider it much better to leave that question for further consideration. The materials for such a union are exceedingly discordant: it cannot be accomplished without sacrificing the interests of one province or the other. The Upper province will not agree to the union except upon terms highly advantageous to themselves; and which must, of necessity, be disadvantageous to Lower Canada. I have seen, with regret, in the otherwise admirable Report of Lord Durham, a recommendation amounting to this, — that the political privileges of the French Canadians shall be annihilated. What have they done to deserve this? They are distinguished by almost every human virtue; they are mild, benevolent, charitable, and exemplary in their conduct towards their families; and yet they are to be annihilated as a people! The House may be sure, however, that if anything be done to deprive them of their share of the franchise according to their numbers, it will only increase their discontent, and perpetuate the evils which it is desirable to remove. I think it would be infinitely better to return to an amendment of the old constitution, preserving to each province its separate Legislature. We ought to change the nature of their Executive and Legislative Councils. In the Executive Council of Upper Canada there is not at present a single Canadian born; — and in the Legislative Council of that province, four out of five are not native born Canadians. How can you expect peace or satisfaction in the colony, if the native population is to be thus excluded from power? The way to deal with Canada, is to deal with her, generously; to ameliorate her institutions; and, above all, to act upon the principle recommended by Lord Durham, of making the Government depend on the confidence of the people. Conciliation is doubtful, perhaps, even in that way; but it certainly is not to be accomplished by annihilating the French Canadians as a particular people, who are only accused of being defective in point of education. That defect can be remedied by making the means of instruction more attainable, and aiding the diffusion of knowledge. In other respects they do not suffer by a comparison with the British residents. I rejoice that Government has not persisted in their measure for pledging the House to the principle of a union between the Upper and Lower provinces, as an opportunity is thereby afforded for that deep reflection which the importance of the subject requires.

Mr. C. BULLER. — I think it would be exceedingly desirable that no new Bill should be sent out to Canada unaccompanied with information as to the opinions of the British Parliament upon the subject of its future government. I am not about to dwell upon or recommend any particular plan; but I must impress upon the House and the Government the importance of at once letting the people of Canada know what they are to expect; for no evil can be greater than to leave them for another winter in a state of alarm and suspense as to the course likely to be adopted by the Imperial Legislature. Six weeks ago, I received a paper from Toronto, which was then three weeks old, in which it was said that they were looking forward with great anxiety for the arrival of the new measure for the future government of the colony, which they had then been expecting for the preceding three months. When it is considered that the lives and property of these people, and all they hold dear, depend on what measure this House may adopt, what kind of feelings must they have, when they see postponement following postponement, and nothing beyond the edge or corner of a proposition let out to excite angry discussion, and consequent doubt and discontent? How can it be expected that the people will be satisfied or contented, while kept in continued doubt, not only as to what her Majesty's Government intend to do, but as to whether they intend to do anything at all, or not? I can assure the Noble Lord that a general belief is growing up in the Canadas, that their interests are wholly neglected; and when it is borne in mind how this House is occupied, night after night, in mere party disputes about the distribution of power at home, to the postponement of measures necessary for the government of those colonies, it would seem that the Canadians are right in entertaining the opinion. The union of the two Canadas is a question of a very grave character; and therefore one which, I think, the Government ought to have withheld until they were prepared to act upon it. I do not disapprove altogether of the course which has been taken, under the circumstances; but I could have wished that the Government, upon receiving Lord Durham's Report, had made up their minds at once to adopt or reject it. If they were not prepared to do all that was necessary for the permanent government of Canada, I think it would have been a much wiser and a much safer course to have done nothing at all.

I now wish to ask, distinctly, and I

think the Noble Lord should state as distinctly, what course the Government mean to adopt in future; in order that, when Parliament shall meet again, we may be in possession of the opinions of the people of Canada respecting it. If this be not done, the probability is, that, next Session, the Government will have conflicting opinions to deal with, and be in as much doubt as to what measures shall be proposed as they are at present. I am perfectly convinced that the success of the Noble Lord's plan is in his own hands. If he will but put forth the question of a union in good faith, and with a determination to carry it, I have no doubt that he will rally round him all parties in the colony; because the chief cause of the dissatisfaction, there, arises, not so much from any particular error in legislation,—nor from any bad course which has been followed,—as from the adoption of no course at all. The vacillation, not of this Government particularly, but of the British Government for the last ten years, has brought the Canadians into their present state. If it were believed that the Government were fully bent upon their union, I am certain that the assistance of all parties would be readily lent to the furtherance and completion of a plan for that purpose. From the state of feeling in Nova Scotia and elsewhere, I believe that, so far from there being any difficulty to be experienced in effecting a union of the provinces, it would be perfectly easy to accomplish the larger plan of uniting all the British North American colonies,—and the only plan, in my opinion, which would be productive of solid advantages to the colonies and the mother country. The Honourable and Learned Member for Dublin has talked about a recommendation that the political annihilation of the French Canadians should be effected by some juggle in the franchise, and the Honourable Member for Westminster cheered the observation of the Honourable and Learned Gentleman; but I wish to know from what part of Lord Durham's Report that idea has been taken? Lord Durham distinctly avows, in his Report, that it is not in our North American colonies that an attempt could successfully be made to juggle the holders of the franchise, by persuading them that they had been outvoted only, when, in fact, they were practically disfranchised. The Report states, that the only plan is, to have an honest system of representation, and that we might rely upon the British being in a majority,—first, by the influence of a well-conducted emigration; and, next, by having recourse, if necessary, to that plan of union which Lord Durham has pointed out as desirable. What could be better for the French Canadians, than to be made in all respects British subjects, by the adoption, as speedily as possible, of the language, laws, and institutions of the English people? Comparing them with the institutions derived by the French Canadians from France, in the worst period of the monarchical government of that country, there cannot be a doubt as to which are the best adapted to their wants. So far from such institutions leading to the social and political advancement of the French Canadians, they are calculated to throw them behind every other race on the American continent. The Honourable and Learned Member for Dublin seems to think that the effect of a union would be, to degrade the French Canadians, who are now happy and contented. It is true, that a great portion of the French Canadians have preserved their property as it has descended to them from their forefathers; but, I ask, is that a state of things that is likely to continue? The property of the French, who are the poorer race, is gradually passing into the hands of the British, who are the governing class, and consist of rich merchants and great landed proprietors. That being the case, can it be for the benefit of the country that a large portion of the population should speak a language different from that of the governing body and the people of property? Is it not, rather, the very course to reduce them to slavery and degradation? If you would make them civilised and free men, you must put them on an equality with the rest of the population, by having them qualified to speak the language, and be partakers of those institutions, which are the language and institutions of every free man in North America. If the Noble Lord do not mean to adopt the plan of uniting the two provinces,—if he mean to oppose that plan,—let him say so at once, and do every thing in his power to convince the House that it is a plan which ought not to be adopted. But if, on the other hand, the Noble Lord wish to have the public voice in its favour, I must say that he is taking rather a strange course to secure it. In the first place, he does not wish any discussion to take place in this House upon the question; and, in the second place, all the information he gives in support of that wish is, that objections exist in Upper Canada against any plan for the union of the two provinces.

The Noble Lord has been pleased, in order to show the House how Lord Durham's Report was received in Canada, to

lay on the table of the House a Report from the Committee of Assembly of Upper Canada, impugning some parts of Lord Durham's Report, and also some despatches from Sir George Arthur, querulously complaining of other parts of it. Now, if the Noble Lord was anxious that the union should be carried on, he should have given evidence in favour of, as well as against, it. He should, at least, have mentioned to the House the circumstances under which the Report of the Committee of Assembly was adopted; — he should have told us that it was kept back till the last day of the Session; that the Session was to have been prorogued upon the Thursday, and was kept sitting till the Saturday; and that it was then, — when one third of the reforming members had gone home, — that this Report was carried, at the same time that the Clergy Reserves Bill was carried by one vote. Since the Report arrived here, there have been two elections in Canada; and those candidates who were in favour of Lord Durham's Report, and for the principle of the union, were chosen by a very large majority. The Committee of Assembly have not confined their answer to Lord Durham's Report, — they have thought proper to animadvert on a speech which I made at the commencement of the Session — stating that my opinions are the same as those of Papineau and M'Kenzie — that I am a republican, and a great deal more, — all of which signifies nothing more than that I am on the liberal side in politics. I do not, however, complain of the indecorous manner in which I am treated in that Report; but I must say, that before the Noble Lord laid on the table of the House the despatches of Sir George Arthur, he should have looked into Lord Durham's Report, to see whether there was anything in it to justify the querulous complaints of Sir George Arthur. Sir George Arthur refers to what he considers the unfavourable opinion of Lord Durham, respecting the execution of two individuals. Now, if the Government had looked to the Report of Lord Durham, they would have seen that there is nothing in it at all justifying this reference of Sir George Arthur; for all that Lord Durham said was, that the execution of these men had increased the irritation of the public mind, and that hanging people was not likely to produce conciliation. I have no hesitation in asserting that most of the facts stated by Sir George Arthur are utterly untrue. I do not mean to say that Sir George Arthur has stated them, knowing them to be false; but that he should have taken the precaution of assuring himself of their accuracy before he stated them. Sir George Arthur accuses Lord Durham, for instance, of incorrectly stating the number of signatures to petitions in favour of the two individuals referred to, at 30,000, — Sir George alleging them to be only 5000. Now, a gentleman from Upper Canada called upon me, and informed me that he presented Sir George Arthur with one petition, alone, — the signatures to which are more numerous than all those which he has acknowledged. In conclusion, I must say, that it will be most unsatisfactory to the inhabitants of our colonies, to find that the Imperial Parliament does not condescend to take up questions vitally affecting their interests, except on a mere chance debate got up while Members are pairing off, for dinner, before the debate on the Irish Municipal Corporation Bill comes on. That is the way to offend the feelings of all classes in our colonies, to aggravate the dissatisfaction of the malcontents, and to irritate and discourage the most loyal, by showing them that all their exertions are vain in favour of a country which seems to care little or nothing for them.

Mr. LEADER. — I am aware that this discussion is somewhat irregular, inasmuch as the Bill before the House is a Bill for the Government of Lower Canada, or, in other and more appropriate words, a Bill to increase the already despotic power of the Canadian Government, — while the discussion has arisen on the proposition for the union of the provinces, the Bill for which has been abandoned by the Government. I am afraid the Honourable Member for Liskeard is rather Utopian in his anticipations of the benefits to be derived from a general union of the provinces of North America. No doubt, if a fair union could be effected between all those provinces, much good might result from it. But the favourite plan of the Honourable and Learned Member for Liskeard is, the union of Upper and Lower Canada; from the propriety of which, however, notwithstanding all that my Honourable Friend has said upon the subject, I entirely dissent. In the first place, a vast majority of the population of Lower Canada, and a very great proportion of the people of Upper Canada, are decidedly opposed to it; — indeed, I am not sure that a majority of the population of the two provinces do not object to the union. In the next place, if the proposed union were effected, the French Canadians would be com-

pletely crushed. The Honourable and Learned Gentleman says they must adopt the language, laws, institutions, — and religion too, — I suppose, of the governing few. Why, that is precisely what has been the cause of complaint in Ireland for the last two or three centuries. It may be right, perhaps, according to the view of the Honourable and Learned Gentleman, that the few English Protestants of Lower Canada should give laws to the many French Roman Catholics there; but then, upon that principle, all that the British Legislature has been doing in favour of the Irish Roman Catholics must be erroneous. It would be absurd to argue that the Roman Catholics of Ireland, forming the majority there, should be in possession of rights as British subjects; and that the Roman Catholics of Canada, also forming the majority, should be denied those rights, only because they are in Canada, and not in Ireland. The Honourable and Learned Gentleman is of opinion, perhaps, that he would be conferring a benefit on the French Canadians, by making them speak the tongue, adopt the religion, and conform to the laws, of the English; and perhaps he is right: but unless the French Canadians can be convinced that he is so, it would be the grossest tyranny to make them English in language, laws, and religion, against their own feelings and wishes. The Honourable and Learned Member for Liskeard seems to think that there is nothing offensive to the French Canadians in Lord Durham's Report,—that there is nothing in it which could lead one to imagine that they might be sacrificed in any of the electoral arrangements that are contemplated. Why, one of the chapters of that Report is headed "Acknowledged Inferiority of the French Canadians." To illustrate the sentiments which are entertained on this point, I shall quote certain words of a gentleman, my opponent in political opinions, which put the rights of the French Canadians in a very doubtful point of view: —

> In North America, the first proprietors of the soil were the beavers, who were turned out by the Indians. The Indians were, in their turn, dispossessed by the French, who were then the stronger; and now the French Canadians are being in their turn dispossessed by the Anglo-Saxon race. All this is strictly in accordance with that law of nature, which says that the weak must give way to the strong.

Such arguments as these may be borne out by the practice of former ages, and of barbarous nations; but I maintain that it would be a lasting disgrace to the British nation, if, by any legislative acts for depriving the French Canadians of the due exercise of their electoral rights, we gave additional power to the strong to crush and oppress the weak. I trust that, in any future discussion on the question of the union, the French Canadians will have the powerful advocacy of the Honourable and Learned Member for Dublin against that proposal, or against any plan which, by uniting the two provinces, would sweep their language and their religion from that part of the world. The Bill now before the House is, truly, a Bill to enlarge the powers given under the Coercion Bill passed last Session, to an already despotic authority. To the present Bill I object, both in principle and detail; I, however, know I should have little or no support in opposing its progress, and am willing to submit — merely protesting against it. As to the details, I trust Honourable Members on both sides of the House will give them careful consideration, and will not allow any of the clauses to be passed in committee without looking to the results which may follow the powers granted by them. The Honourable and Learned Member for Liskeard made a remark which showed much innocence on his part. He said he should like to know what the Government meant to do with respect to Canada during the recess? Why, of course, they will do nothing with it. They will be heartily glad to get rid of the House of Commons, and will be considering how they may best shuffle through another Session. The Honourable and Learned Member stated, that the people of Canada have been impressed with the belief that the Government has been long employed about legislative measures for that country, — that it has been labouring with assiduity to establish, there, a good system of government. Why, at the very time the innocent population of Canada were imagining this, there was an intrigue going on in the Government, here, to put out one Colonial Minister and to bring in another; so that, if any such hopes were entertained by the Canadians of the results of the Session, the present position of affairs must cause them a bitter disappointment. I cannot but complain of the manner in which I have been treated by the Government. I presented two petitions — one from M. Lafontaine, and another individual, — and I was told by the Government, that as the whole question would be discussed, the proper time to bring forward the complaints contained in those petitions would be when that discussion took place. No such oppor-

tunity has, however, been afforded me: the Government are afraid of meeting the question; and here the end of the Session has arrived, without the matter being introduced. I think that the people of this country and of Canada have a right to complain of the manner in which the affairs of Canada have been dealt with in the present Session, — I will not say dealt with, but neglected. The Bill now before the House, instead of effecting any good, will only exasperate the people of Canada, and tend to continue that unhappy state of things, which, after ruining commerce, and preventing all emigration, will, if continued for another year, reduce that province from the position of being the most flourishing of any in North America, to the very verge of ruin.

Mr. C. BULLER. — I wish the Honourable Member for Westminster, in commenting on what I said, would not contrive, also, to introduce what I did not say. I made no observations as to the expectations of the Upper Canadians.

SIR R. PEEL. — Sir, this short debate has confirmed my impression that nothing could be more unwise or impolitic than now to attempt to persuade the House to decide upon the question of the union of the two provinces of Upper and Lower Canada. It is clear, with such various opinions on the different sides of the House, it would be impossible to get the assent of the House, in the present Session, to the second reading of the Bill for that object, whilst at the same time that the House has not been called upon to pronounce an opinion upon the Bill; and though it must have been rejected on the second reading; — it would yet be difficult to remove from the minds of the people of Canada the impression that such was a final decision on the principle of that question. I am, therefore, not sorry that Parliament has been spared the necessity of rejecting the second reading of that Bill. I hope, however, that the first step of her Majesty's Government will be, to address an earnest, and, I trust, a successful, exhortation to the Government of the United States to put an end to the system of horrible border warfare. I cannot believe that any of the plans devised by the Legislature will succeed, unless there be a cordial union between the two great Governments of the British provinces, and of the United States, to put an end to that system which is, now, laying the foundation of hostilities, that must ultimately extend beyond the border. The question, however, still remains, — What, in the mean time, is to be done with the Canadas? I hold it to be a most difficult problem to solve. I court a settlement of the question; but I do not discover any prospect of it — I do not see through any vista — I can nowhere find any preparations made to decide the question as to the mode of government in Canada; for the House is not, now, in a better condition than it was five years ago. The Honourable and Learned Gentleman opposite, who has been in that country, shakes his head; but I have read all the Reports to which the Honourable and Learned Gentleman has been a party, — I have read all the other Reports on the matter, — and I confess I cannot find, in the documentary information, any elements for a settlement. However, I am convinced that, as the Government have abandoned all legislation, at present, it will be necessary that their very first act, next Session, shall be, to decide upon the principle on which the Canadas are to be governed; for, though nothing can be more plausible than to propose the union of the two provinces, yet, unless Parliament be enabled to know the terms of that union, — the feelings of the people both of Upper and Lower Canada upon those terms, — and the prospect of a representative Government under the union giving satisfaction to the population, and affording a guarantee for the enjoyment of liberty by the people, — it will be impossible to decide the question. I should be sorry to provoke a discussion on the question of the union of the provinces; and I will content myself with saying, that I hope the Imperial Parliament will not allow a week to pass, on meeting next Session, without determining what shall be the position of those two countries. With respect to the present Bill, I shall offer no opposition to the second reading. Of some portions of the Bill I approve. I approve, for instance, of the formation of an effective council, to consist, while the present form of government continues, of not less than twenty persons. I approve of the clause which establishes that check on despotic power, which provides that there should be in the Council a number of persons connected with, and interested in, the colony, who are to advise the Governor. With regard to the other clauses, I mean to suspend my judgment, and reserve to myself the right to take any course with respect to them which I may think fit. It is possible I was not in the House when the object of the second clause was explained. By the Bill of last year, the Governor in council was empowered to make ordinances, — which, however, were not to endure be-

yond the year 1842; but the clause to which I allude, in the present Bill, enables the Governor in council to make ordinances to endure beyond the year 1842. This provision appears to give, therefore, a more permanent and settled form of government; and in this respect the Bill gives an unlimited authority, provided her Majesty approve of the ordinances. I have not yet heard stated, what is the reason for this clause. I know that future Governments may repeal those laws; but, still, the provision is very different from one giving the Governor in council a temporary jurisdiction. Probably, some explanation has been given, which I have not heard. I do not wish to provoke any explanation, now; but I trust that in committee the provision will be fully explained. As to the other parts of the Bill, I reserve myself until the Bill shall be in committee.

LORD JOHN RUSSELL.—Sir, seeing that the wish of the House is not to enter into any discussion on the present stage of the Bill, I shall not do so. The consideration of the clauses must require the attention of the House when the Bill comes into committee, and I shall then be ready to debate any clause which the Right Honourable Gentleman may think objectionable, either in principle or in detail. The Honourable and Learned Member for Liskeard, in the course of his observations, implied that the Government have been anxious to avoid discussion on the subject of the union; but the Right Honourable Baronet opposite answered him, by saying it would be unwise and impolitic, at present, to seek for an expression of opinion by the House, upon the principle of that union, either on a resolution or on the second reading of the Bill; and he told him the reason why a discussion, which could tend to no good, has been avoided. The Honourable and Learned Member also remarked upon the comments of the House of Assembly of Upper Canada on the Report of Lord Durham. I wish it had not been necessary to have introduced those comments to Parliament; and I own, when I saw those comments, I was induced to regret that the Government had not any power to prevent Lord Durham's Report leading to such angry recrimination. I will only, now, explain generally my views as to the necessity of an alteration of the Bill of last year. My opinion is decidedly in favour of a union; but I think that, during the interval which must elapse before its establishment, it is wise and politic to take every means for the improvement of Lower Canada,—for encouraging persons of enterprise in laying out their funds in the extension of roads, canals, and other improvements necessary in order to establish any new population which may result from emigration. The Bill of last year opposed obstacles to these objects; and it is necessary to remove those obstacles. This, I think, the present Bill will effect. I will not, now, enter into a further discussion, but shall be ready to meet any objections when in committee on the Bill.

Mr. ELLICE.—I must say one word in relation to what has fallen from the Right Honourable Baronet. For the last two years, the province of Lower Canada has been in a state of the most distressing inactivity; all commerce is at an end; emigrants cannot establish themselves, there, with any hope of employment on any public work—(so many are suspended),—though parties are willing to enter into speculations for the establishment of railroads between Upper and Lower Canada, and though others are willing to contract with the Government to continue the great canals opened by Upper Canada, so as to connect that navigation with the ocean. Every one of these works is necessary to give employment to the population in a country whose wounds are still bleeding, and where it is expedient to distract men's minds from the horrible scenes in which they have been engaged. I foresaw this, last year;—I stated, then, my hope that some further powers would be given to the Legislative Council; and I now call on the Right Honourable Baronet to support the grant of those powers. At the same time, I tell him, that I am as glad as he is to see the numbers of the Council increased. I remember, last year, it was thought that sufficient powers were then given to the former Council to continue taxation. I made an appeal to the House on that subject; and the Right Honourable Baronet stated, that the restrictions under which the people were placed would be an additional inducement for them to come to that good understanding which might lead to the restoration of their Legislative Assembly. I wish that that result had happened. I deplore, as deeply as any man, the necessity for recurring to an absolute form of government; but, while that necessity continues, it is hard that the colony should be deprived of the means of internal improvement. I agree with my Noble Friend, and with the Right Honourable Baronet opposite, that it is very easy to arrive at some principle of settlement, but difficult to decide when the

details of that settlement come to be examined. I think, however, the principle of a union is that on which the settlement must be founded. In favour of that opinion I have the high authority of Sir William Grant, the late Master of the Rolls, himself connected with Canada, who, along with me, introduced the Union Bill in the year 1822. We had interviews with Lord Bathurst on the subject, and it was then supposed that the only remedy for existing discontents was, — to unite the two provinces. If they had been united at that time, I am persuaded that none of those consequences which the country has now to deplore would have occurred; and I am also satisfied that the measure would have brought the people of both provinces together into a bond of common interest, under which the feelings of resentment at present in operation would have been avoided. In the present state of things, the union must be brought about by more gradual means than direct legislation. It is my opinion, that, the Imperial Parliament having failed, formerly, to establish this union, the best course would be, to convene a Congress, or Central Legislature, from the two provinces (leaving them still their local Assemblies), to determine whether or not there should be a union. At present, I agree with the Right Honourable Baronet opposite (Sir R. Peel), that the Imperial Parliament ought not long to delay the settlement of this important question. It must be settled by general assent; for, if it be made a party question, I can tell the House it will be a waste of time to deliberate upon it; because, if it do not go out to Canada with the appearance, on the part of Parliament, of a firm determination to make it their last effort for the pacification and settlement of the country, no Bill that can be passed, either for the formation of a union, or for the establishment of any other form of government, will have any chance of success. I therefore think it would be better, after this Bill shall have been read a second time, to send it up-stairs to a committee selected from both sides of the House, by whom it may be amply discussed; that it should, then, again pass through a committee of the whole House; and thus it will have a better chance of obtaining the general assent of the House, and with that general assent it will have a better chance of settling the disputes and differences of the unhappy country to which it is directed.

SIR C. GREY. — I cannot let the discussion close without reiterating the opinion to which I have already given expression in this House, — that, as to conceding to the Governor General of Lower Canada the power of local taxation during the temporary suspension of the ordinary functions of the Legislative Assembly, for the purpose of constructing canals, railways, and other works, her Majesty's Ministers should most carefully and anxiously inquire into all the circumstances of the case before they bring such a proposition forward. I beseech them to remember that the people of Lower Canada have never before been subjected to local taxation, and are impressed with a notion that it is the intention of the English Government, now, to introduce it amongst them. I beseech of the House to inquire whether they accurately understand the nature of the landed and other tenures on which this taxation must fall. I beseech of her Majesty's Government to consider what may be the effect of enforcing the payment of a local tax, by distress or otherwise, amongst the inhabitants of those districts through which these canals or railways will pass. I should have refrained, entirely, from all observation at present, but that I thought myself imperatively called on to express an opinion. My sole object in speaking is, to urge and impress on Ministers, that they should approach this subject carefully, and should not decide on any measure without the fullest previous deliberation.

Mr. LABOUCHERE. — I can assure the Right Honourable Gentleman, who has just sat down, that it was only after the most mature deliberation that Ministers introduced this principle of giving the power of local taxation to the Governor General. We did not introduce this principle into the Bill of last year; and it was only after experience of the actual stagnation which had taken place in the industry of the Canadian community, in consequence of the absence of this very power, that we thought of introducing it. We are quite agreed that this is a power which should never be used but with the greatest caution and discretion. But it should be remembered that, at the present moment, neither a Road Bill nor a Ferry Bill can be passed in Canada. Not one of those matters, in which taxation is necessary for carrying on the common operations of society, can now be conducted in Canada. The inconveniences which must arise from such a state of things, in any country, are so considerable, that no Government would do its duty, were they to allow it to continue from year to year without providing a remedy. With regard to an observation

which fell from the Honourable Gentleman the Member for Westminster, upon the subject of a petition reflecting on the conduct of Sir J. Colborne and the troops in Canada, I can assure that Honourable Member that the Government have no disposition whatever to shrink from the discussion of that subject. Upon the receipt of the petition in question, Government referred to Sir J. Colborne for an explanation. The answer has but just arrived; and I must say, that nothing more completely satisfactory, as it relates to the conduct both of Sir J. Colborne and of the British troops, could possibly have been communicated to the Government. If the Honourable Member have any desire to have those despatches submitted to the House, and to have a discussion taken upon them, I feel it due to Sir J. Colborne to say that we will by no means shrink from such discussion. I will not, now, enter on the general question, as the clauses of the Bill can best be considered in committee; but I quite agree with the Right Honourable Baronet, that this is a most embarrassing question. In fact, every or any course, in such matters, must be liable to objection. I do not say that no evils will arise from postponing legislation for this Session; but I say that Government have only a choice of evils. For a long time we were most anxious to settle the question this Session; but, both on account of the papers we have received from Canada, and of the present state of that country, we have been reluctantly obliged to abandon our intention. Although I have listened with attention to what has fallen, upon this subject, from the Right Honourable Baronet the Member for Tamworth, both now and on former occasions, it has not convinced me that it would not have been very material towards the settlement of this question, had we taken, previously, —upon the second reading of the [Canada Bill, — a discussion on the essential principle of that measure; namely, the principle of uniting the provinces, establishing municipal corporations in them, and in all respects providing for an equitable arrangement between Upper and Lower Canada. Had that Bill gone out to the Canadas with the sanction of the British House of Commons, I believe that great progress would have been made towards the settlement of this question. From all that I have witnessed of the feeling of the people themselves, I believe that a great majority of them are prepared to assent to the principle of union. I have communicated with many persons connected with both the Canadas, and I am sincerely of opinion that this measure would be received, there, as a groundwork for the settlement of the great question at issue. Sir, I shall say but one word more, touching the recent outrages committed on the frontier by persons from the United States. The recent facilities for communication have brought many American citizens to this country; I have conversed with them on this subject; and I can assure the House that one and all express their horror of the conduct of the lawless border population. I am confident, also, that nothing will be wanting on the part of the United States Government to repress the repetition of outrages.

SIR R. PEEL. — Sir, I do not shrink from the responsibility which the Right Honourable Gentleman imposes on me with regard to having prevented the House from coming to a decision upon the second reading of the Canada Bill. On the contrary, I should rather say I rejoice that the House did not come to a precipitate decision. Despatches have been received since that period from the Governor General, which develop facts, that would have rendered such decision both immature and unwise.

Bill read a second time, and ordered to be committed on Thursday next.

Mr. HUME. — I wish to ask whether the Government means to take any steps relative to the Orange lodges existing in Canada?

Mr. LABOUCHERE. — No instructions have been sent out to Canada with respect to Orange lodges, — not the smallest complaint having been made to the Colonial Office as to their existence for the last two years.

SIR R. PEEL. — There is another Address connected with Canada I would wish to mention. Her Majesty sent a message to the House, some time since, relating to the Canadas. If we proceed, now, to legislate, that, indeed, will be a practical answer. If we do not, it is worth while to consider whether we should not send some answer?

LORD STANLEY. — May I inquire whether the Canada Bill will have precedence of other business on Thursday next?

Mr. LABOUCHERE. — I cannot give an exact reply to the question; but as my Noble Friend desires to have a discussion upon the Bill, no doubt he will bring it on at an early hour.

MUNICIPAL CORPORATIONS (IRELAND).

The Order of the Day having been read for the House resolving itself into committee upon the Municipal Corporations (Ireland) Bill, and the Speaker having left the chair, which was taken by Mr. Bernal, —

On Clause C, Section 20. (qualification clause), being proposed, —

Mr. SHAW said: — As the understanding of the House was, when but a formal stage was taken upon the Bill on Friday last, that, on the present occasion, we were to proceed at once to the consideration of the clauses in detail, even though there has not as yet been any general discussion upon the principle of the measure during the present Session, I consider myself bound by the arrangement of the other evening. Seeing, however, the late period of the Session, and that many Irish Members have left town, under an impression that the Government had no serious intention of pressing forward the Bill at all, I shall abstain from all general observation, and apply myself at once to the particular clause now before the committee. It is a very important clause,—that which relates to the qualification of burgesses under the Bill, and that upon which the principal, though not the only, difference of opinion arose, last year, and in consequence of which the Bill was defeated. It would be well that I should state what the franchise is that the Bill now contains, and to which I object; and then, the franchise which I propose to substitute by my amendment.

[Cries of "Hear, hear!"]

The qualification contained in the Bill is twofold: first, there is one qualification proposed for the first three years, and then another and a different qualification after the expiration of the first three years: that for the first three years is, the occupation of premises which shall be valued for the purpose of being rated (instead of being "rated," as was the enactment of the Government's own Bill of 19th of February last) to the relief of the poor at the net annual value of 8*l.* — a six months' occupancy — a six months' residence as an inhabitant householder within seven miles, and payments of rates and taxes (with certain exceptions) up to six months next before the last day of August. The second qualification contained in the Bill, after the expiration of three years, is, the occupancy of premises, no matter of what value, provided only that they are rated to the relief of the poor, for a period of between two and three years, residence as an inhabitant householder for the same period, and payment of rates and taxes (with the same restrictions) up to six months. The qualification which my amendment proposes is a 10*l.* franchise, composed of the net annual value at which the premises shall be rated, together with the landlord's repairs and insurance, as estimated under the Poor Law Act. That the 10*l.* is to be made up of those two items — the net rated value and the landlord's repairs and insurance — a twelve months' occupancy, a six months' residence as an inhabitant householder within seven miles, and a payment of all rates and local taxes up to a period of three months next before the last day of August. I will take the last project of the Government first, — namely, the three years' rating and occupancy of premises of any value. That, I am aware, is the English corporate franchise. I certainly am of opinion that it never could be a safe or satisfactory one in Ireland; but, at present, all I can say of this second proposition is, that it has a vice which seems common to almost all the Government legislations of the Session, — namely, that it is not to come into operation until the charmed year — 1842!

Let us first see how the poor law works in Ireland, — it will be time enough after the experience of the three years; and when we know the class of persons who would be rated, and still more the conduct of those who would administer the Act — (and I am sorry to say there has been some proofs of no very good spirit in the election of poor law guardians already) — then, I say, would be time enough even to entertain the proposition contained in the twenty-second clause, of a mere three years' rating — although I am free to confess that I do not anticipate my own acquiescence in such a qualification in the Irish boroughs at any time. But, now, to pass to that qualification which, alone, the Government proposed last year, and for which, alone, I presume they mean to contend at present. I desire to clear the ground of real dispute from all extraneous matter. I will not, therefore, dwell upon the difference between six months' occupancy instead of twelve, and six months' arrear of taxes instead of three; for, as they have not before insisted, so I will assume that the Government will not, now, insist upon those alterations; neither will I stop to urge the great importance of a criterion of value independently of the oath of the

voter, or to deprecate the fraud and perjury to which an opposite course has led in the case of the parliamentary franchise in Ireland, — for that seems now to be admitted by the Noble Lord and other promoters of the Bill, inasmuch as both in the present and other parts of the Bill, they, themselves, adopt the rating under the poor law as the best test of real value. The only question between the two sides of the House, then, is, whether the 8*l.* proposed by the Noble Lord, or the 10*l.*, qualified as I have stated it, constitutes a real *bonâ fide* 10*l.* franchise. The Noble Lord himself, last year, proposed a 10*l.* qualification for the Schedule A, and subsequently consented to four additional boroughs being inserted in that schedule, which, in the first instance, consisted of but seven, — and that those eleven cities and towns should be the boroughs upon which, alone, corporations should be absolutely conferred. We at this side of the House consented, though, certainly, with reluctance; but we had many misgivings that the franchise would be found too low; but still, once having conceded the principle that new corporations were to be granted upon the basis of popular election, and anxious, if possible, to settle this last remaining of the long and angrily contested Irish questions, we did assent to adopting the 10*l.* franchise of the Noble Lord, — but upon the express and essential condition that it should be of the real *bonâ fide* value of 10*l.*, tested by some certain and self-controlling principle, such as being rated to the relief of the poor; and, in truth, the question now resolves itself into one of *bona fides*. Can the Noble Lord contend that his 8*l.* means 10*l.*? I do maintain that my amendment contemplates a tenement worth a real *bonâ fide* 10*l.* — neither more nor less; — and it is a franchise perfectly familiar in England, as the parliamentary franchise; in Scotland, both as the parliamentary and corporate franchise; and in Ireland it is the parliamentary franchise at present, — in name, at least. I object to the introduction of a new variety of franchise. We are asked, do we seek to place the corporate higher than the parliamentary franchise in Ireland? I answer, that such is not our proposition, although many good reasons might be urged in favour of a higher pecuniary corporate franchise, inasmuch as the town councils are to have the powers of taxation in the borough — the expenditure of the borough funds; — while, as compared with the Members of this House, they will be removed from public observation, and, moreover, in all probability, be composed of one party, without the control of an opposition, which, it must be admitted, is, in these times, no small impediment to bad legislation. But the fact is, we at this side of the House do not contend for a higher nominal franchise than the existing parliamentary one; but we anxiously desire that both one and the other (the corporate and the parliamentary franchise) should be really and *bonâ fide* what they profess: and, now that we are legislating anew, as well in respect of the poor law, as of the Irish corporations, it is most desirable to establish in the minds of all concerned in the administration of both, the impression, that when we, the Legislature, say 10*l.*, we really mean what we say, — and, although under old systems of rating, where the main object was uniformity, and where the sum to be raised was a fixed one, by means of a poundage rate, — the object was equally answered whether the value was set high or low, and the low rate might generally be taken; that rate could not be applicable to a case where the officer laying on the rate was apprised that it was to be used for other purposes; also such as ascertaining the real value as the basis of a franchise.

[Cries of "Hear, hear!"]

And I must say, too, that, as regards the city of Dublin, a valuation known by the name of Sherrard's valuation, and made, I believe, about the year 1824, set an amount on the houses rather above than below their real value. I consented to the deduction of landlord's repairs and insurance, not because any such allowance was in fact made by the landlord, in practice in Ireland, but upon the principle of Mr. P. Scrope's English Act, and having reference to the difference in permanency of value between land and houses, as being about the annual average cost necessary to maintain houses or buildings in a state to command the original rent from year to year. I have but again to remind the committee that the single object of my amendment is to establish a *bonâ fide* 10*l.* franchise, and, as far as possible, to teach the people of Ireland, and especially all those that are in the administration of public departments, that their duty is to interpret the law according to its plain and obvious meaning; for this House should not mislead them by naming one sum while they intend another.

Sir, I beg leave to move that the words of Clause C, Section 20., from the word "that" to the word "provided," should be omitted, and that the following words

be inserted in their stead:—"And be it enacted, that after this Act shall have come into operation in any borough named in the said Schedule A, every man of full age, who, on the last day of August in any year, shall be an inhabitant householder, and shall, for six calendar months previous thereto, have been resident as such within such borough, or within seven statute miles of such borough, and who shall occupy within such borough any house, warehouse, counting-house, or shop, which, either separately or jointly with any land within such borough, occupied therewith by him as tenant, or occupied therewith by him as owner, shall be of the yearly value of not less than 10*l.*, to be ascertained and determined as hereinafter mentioned, shall, if duly inrolled according to the provisions hereinafter contained, be a burgess of such borough, and a member of the body corporate of the mayor, aldermen, and burgesses of such borough, and such yearly value shall be ascertained and determined in manner following, and not otherwise; that is to say, such value shall be a sum composed of the net annual value at which the premises so occupied by such man shall be rated (as they are hereby required to be) to the relief of the poor under an Act passed in the last Session of Parliament, intituled, 'An Act for the more effectual Relief of the destitute Poor in Ireland,' and of the amount of the sums at which the landlord's repairs and the landlord's insurance shall be estimated and stated in any rate to be made in pursuance of the said Act: Provided always, that no such occupier shall be admitted to be inrolled under this Act, unless he shall have occupied such premises within the said borough, and rated as aforesaid, for the space of twelve calendar months at the least next preceding such last day of August, nor unless such occupier shall, on or before the last day of August in such year, have paid or discharged all rates for the relief of the poor, and all municipal or other local cesses, and all rates and taxes which shall have become payable by him in respect of such premises, except such as shall have been imposed or become payable within three calendar months next before such last day of August."

LORD VISCOUNT MORPETH.—Sir, this is a question which has so often been argued on its general principles, that I feel called on to do no more, on the present occasion, than to apply myself to the specific question introduced by the Right Honourable and Learned Gentleman. I have to say, the Government intend to adhere to the plan of adopting an 8*l.* franchise for three years, and of introducing, at the end of that period, a franchise similar to that existing in England. In all the preceding discussions upon this subject, it has been stated by the friends of what is called—and, I hope, properly called—a liberal policy in Ireland, that it is very desirable to assimilate the institutions of that country to those of England; but, above all things, they have protested against the adoption of a different and more restricted franchise in Ireland than that which is enjoyed in England. However, as it has been said that, on account of there being no legal rate to refer to in Ireland, corresponding to the poor rate in this country, the adoption of the English franchise would give rise to loose statements and inaccurate calculations, and open a door to innumerable frauds and perjuries, the Government have consented to adopt a settled rate. In fixing this rate, we have taken into consideration the circumstances, that the tendency of every system of rating, is to produce a return lower than the actual value of the property rated; and that greater accuracy of calculation would be produced by the poor law valuations; and, with reference to these circumstances, it has not been considered expedient to screw up the franchise to the same amount as had been proposed in the absence of the same means of obtaining proper valuations,—and this the more especially, when it is recollected that no deduction from the required amount of an 8*l.* franchise is to be made in respect of landlord's repairs or insurance. In order to show the number of voters which would be afforded by different rates of franchise, and that they will not be increased by the Bill to the extent apprehended by its opponents, I will refer to some towns comprised in Schedule A of the Bill. Clonmel contains 15,000 inhabitants, and 1867 houses; the number of houses of the yearly value of 10*l.* and upwards is 683, or not much more than one third of the whole number. In Drogheda there are 17,000 inhabitants, and 3371 houses; of which, in 1833, 261, only, were of the annual value of 10*l.* and upwards. The number of inhabitants in Londonderry is 19,000: out of the 3074 houses which it contains, 408 are of the annual value of 10*l.* and upwards, and only 735 of the annual value of 5*l.* and upwards. Sligo contains 2666 houses; of which 411 are of the annual value of 10*l.* and upwards, and 874 of the annual value of 5*l.* and upwards. So that it appears that even a 5*l.* franchise would not give an inconveniently large number of persons

to exercise municipal privileges. I am, however, anxious, as soon as it is practicable, to assimilate the franchises in England and Ireland, because I am convinced that such a course would tend to remove the heartburnings between the countries; and, as to the constituencies to be formed under this measure, I feel confident, that, when they come to consider who are the fittest persons to intrust with the power of regulating their own local concerns, — of taxing their pockets, — they will lay aside all political and religious differences of opinion, as they have in a great measure done in carrying out the 9th of Geo. IV., and will select any of the men whom they consider in themselves best adapted, from their habits, their character, their experience, and their utility, to provide effectually for the common interests, and to administer their respective local and municipal affairs. Therefore, Sir, I do hope that the House will adhere to the course pursued last year, and not consent to the more restricted franchise now proposed by the Right Honourable Gentleman. I trust that there will eventually be adopted that test and franchise which have prevailed in England, and produced contentment and security to the people.

SIR ROBERT FERGUSON. — I wish, Sir, to call the attention of the House to one point connected with the franchise, as it is proposed to be be fixed at the end of three years, and which, I apprehend, is yet a question to be decided. Now, as I understand the clause of the Bill, at the end of three years the franchise will be conferred on every householder rated for the poor rates. That being the case, persons would have a right to vote who did not contribute to the borough fund. If the Right Honourable Gentleman, therefore, should carry his amendment, I shall feel it my duty to propose, upon that amendment, a 10*l.* rated value. My objection to the franchise, as it is to be at the end of three years, is, that it will not be the English franchise. In England, the borough rate and the poor rate are levied off the same persons; and, small as may be the part paid as the borough rate, the persons paying it may be said to have a right to vote. In Ireland, they are not to be levied off the same persons. The borough rate is levied off persons having houses of 5*l.* value and upwards; and, by the Act of last Session, the poor rate is to be levied off every house; from which circumstance arises the difference between the two countries. Now, the Noble Lord has told us that in Londonderry — the town which I have the honour to represent — the number of houses is 3074; and that of those, there are but 735 of the value of 5*l.* and upwards. According to that statement, we are to have, at the end of three years, in addition to 735 persons who pay the borough rate, 2300 voters for the election of persons to dispense that borough rate. I am sure the Noble Lord cannot intend to propose anything so unfair as that.

LORD MORPETH. — I have considered the objection made by the Honourable Gentleman to the Bill as it at present stands, which I apprehend to be, that persons would have a right to vote who would not be rated for the borough rate; and I am prepared to alter the clause so as to meet that objection.

LORD ELIOT. — I am unwilling to give a silent vote on this occasion; but I will trespass but a few moments on the indulgence of the House. Last year, I took a part in the discussion with reluctance, because I differed from those with whom I usually act. I then regretted, that what appeared to me to be so favourable an opportunity for the settlement of this great question, should be allowed to escape; and I am sorry to say that that feeling of regret has been much increased by what has since taken place. Not many days ago, a volume was put into my hands, containing reports of certain speeches delivered at a meeting in Dublin, during the spring of the present year, and which I have read with feelings of sorrow and surprise. The spirit which was manifested in the language and sentiments of those speeches was such as, in my opinion, was likely to create a corresponding feeling of bitterness in the minds of the people of Ireland. I regret the more to have occasion to say this, because some of those speeches were delivered by Protestant clergymen, who openly declared their determination not to admit their Roman Catholic fellow-countrymen to the enjoyment of civil rights; — that, having gained the ascendancy, they were resolved to keep it. They stated that Roman Catholics were idolators, worshippers of Baal, and followers of Antichrist; and they asked, what right t he Honourable and Learned Member for Dublin, being an idolator, had to demand to be placed upon an equality with them as Christians? These are sentiments which cannot be too severely deprecated. Those persons went the length of saying, that if a Roman Catholic Lord Mayor were placed at the head of the municipality, the time would have arrived, when the Protestants of

Ireland must be ready, like the Covenanters of Scotland, to appear with swords in their hands and Hallelujahs on their lips. The Right Honourable Gentleman, the Member for the University of Dublin, came in for a full share of the censure of those gentlemen, who even menaced him with the loss of his seat in this House, — which I, on the other hand, hope he will long continue to fill, with his accustomed usefulness and ability. I must say that I sincerely regrét that the deliberations of the meeting to which I have referred were not marked with that moderation and good sense that so much better became the station of those of whom it was composed. They objected even to the principle of this Bill, which has already been affirmed by this House. They declared that the exclusive character of the Irish corporations must be retained; and that, whether the franchise were a 20*l.*, or a 30*l.*, or a 50*l.* franchise, it was alike equally inadmissible. It therefore appears to me that we shall gain nothing by the minute difference which is raised by the Right Honourable Gentleman's amendment. I believe I have the authority of the Honourable Gentleman the Member for Somersetshire, for saying that the usual deductions made by the valuers in England, average from 7 to 14 per cent. Well; if you call it 10 per cent., it follows that the difference between the proposition of the Right Honourable Gentleman and that of the Noble Lord opposite amounts to only 1*l.* upon the qualification; or, in other words, that the Noble Lord proposes a qualification of 8*l.*, and the Right Honourable Gentleman, in his amendment, one of 9*l.*

[Cries of "Hear, hear!"]

I really think it scarcely worth while to squabble about a point of so trifling a character.

[Renewed cries of "Hear, hear!"]

I do not know whether these corporations would become, under this Bill, as has been asserted, normal schools of agitation; but it is quite clear that if they should be likely to do so, the amendment of the Right Honourable Gentleman would not prevent that result. It is always in the power of evil-disposed persons to pervert any institution, however excellent in itself, to bad purposes; and I cannot consent to view the abuse of an institution as an argument conclusive against its principle. After the best consideration I have been able to bestow upon the subject, I have come to the conclusion of supporting the Bill in its present shape. I feel it right, however, to add, that as the qualification it proposes appears to me, upon the whole, the least objectionable that could be devised, I cannot say that I shall be inclined to change it at the expiration of three years. The Irish people, I conceive, would have no right to complain, if placed, at least, upon as good a footing as the people of Scotland. I have addressed myself to a part of the question which is, perhaps, not, strictly speaking, before the House; but I have done so, because I am not often in the habit of addressing myself to the House, and I will now no longer trespass upon its attention.

Mr. SERJEANT JACKSON. — I must say that I heard the speech of the Noble Lord who has just sat down, with considerable regret. I did venture to hope that the details of this measure would be discussed without reference to topics which are calculated to excite angry feelings in the House, or to divert the attention of Honourable Members from the more immediate and important points under consideration. I do not know what meeting the Noble Lord referred to. I believe I must be correct in saying that no Member of this House took any part in it. No reference was made to it by my Right Honourable Friend, — it has nothing to do with my Right Honourable Friend's amendment, — and I really think it would have been better if the Noble Lord had abstained altogether from noticing it. The Noble Lord was greatly cheered by the Noble Lord and Honourable Members opposite, because he expressed the opinion that the difference between the two propositions is one of a very trifling character If that be the case, I think her Majesty's Government cannot do better than give up the point in dispute.

[Laughter.]

It either is, or it is not, a trifling point. The Noble Lord who last addressed the House intimated that he so considered it; and Honourable Members opposite appeared by their cheers to agree with him. Then, I ask, will those Honourable Members refuse to concede that trifling point, in order to secure the settlement of this question, — great, as it has been called, — a question by which Ireland is to be tranquillised and agitation put an end to? Surely it would be unworthy of the professions of her Majesty's Ministers, and of Honourable Gentlemen opposite, if they were to keep that country in a state of turmoil and discon-

tent, by withholding this Bill upon a mere trifling point of difference. I certainly think it is desirable to have the question settled. The spirit which was manifested by the Noble Lord opposite, has been met by Honourable Gentlemen on this side of the House. Honourable Members on this side of the House are of opinion that it would be far better for the peace and tranquillity of Ireland that there should no longer be corporations in that country. They thought that, by reconstructing them, they would only be legalising establishments for the purpose of agitation and speech-making; yet, notwithstanding that, their opinion, having been assured that a very strong feeling prevailed in favour of corporations throughout the country, and that, if the existing ones were not reconstructed, a still stronger feeling would be created, in the shape of discontent, they abandoned their own opinion, and consented to their reconstruction. That having been done, my Right Honourable Friend the Member for Tamworth declared, most distinctly, that he would require a 10*l.* qualification; that more he would not ask, but that less than a 10*l.* *bonâ fide* qualification he would not consent to. Now, I thought that her Majesty's Government were agreed with him on that point; and their not being so now, leaves them, I must say, open to the charge of inconsistency. A 10*l.* qualification was proposed; and [when it was suggested that that qualification should be ascertained by the test of rating, her Majesty's Government objected, only because, they said, the test of rating would make the qualification actually 12*l.* or 15*l.* Now, however, they are not content with a *bonâ fide* 10*l.* qualification, but require a 10*l.* qualification for three years; and, ultimately, that every man who pays poor rates shall have the franchise. This is hardly fair dealing towards those who, like myself, have gone a great way in assenting to a 10*l.* qualification. I certainly could not, under all circumstances, consent to a less franchise than 10*l.*; and in doing that, I gave much dissatisfaction to persons in Ireland, whose good opinion I was very desirous of retaining. I have given offence to many constituencies, and, amongst the rest, to my own, by the concession I have already made in offering to agree to a 10*l.* franchise. The House will recollect that I, and those with whom I am in the habit of acting, voted for the second reading of the present measure, at the hazard of losing the confidence of many amongst our constituents; our having done that, however, by no means pledges us to support every one of the details of this Bill. I shall not now trespass further on the attention of the House, than to request from my Honourable and Learned Friend opposite, the Solicitor General for Ireland, some explanation of the 193d section. I beg to observe that, in seeking this explanation, I do not desire to anticipate anything which ought to stand over for future discussion; but I apprehend that the 193d section does bear upon the question of qualification. There are ten clauses providing for valuation, and providing the machinery for appeals; with this subject, I believe — though I do not profess to understand it — the 193d section is in some way connected.

LORD ELIOT. — I beg to be allowed to say a word in explanation. The Honourable and Learned Serjeant accuses me of considering this matter as "a trifle." I meant, simply, that the difference, in itself, as to the amount of the franchise, was a trifle, if the surrender of it could give satisfaction to the people of Ireland. I need scarcely add, that I had no intention of designating as "a trifle," any measure calculated to secure peace and satisfaction to that country. The Honourable and Learned Serjeant also called me to account for referring to the meeting at Dublin, and seemed to think that all allusion to it would have been better omitted in my observations. No one is more ready than I am to make allowance for speeches uttered in a moment of excitement; but I find the speeches, to which I have alluded, in a pamphlet that has been sent to me, and in which they appear to be revised and corrected, and, therefore, are fairly to be taken as the dispassionate sentiments of the speakers.

Mr. PIGOT. — I shall entirely confine myself to the question put to me by the Honourable and Learned Serjeant. The reason, and the only reason, for the introduction of the 193d clause, is, that there should be a rating co-extensive with the franchise. It was considered right, first, with a view to the settlement of the franchise, and the satisfactory adjustment of the rates, that the assessment should correspond with the amount of property assessed.

SIR R. PEEL. — I do not rise to protract this debate, although I am perfectly aware that the present is a most unfavourable moment for taking the division on this question. I am here to perform my own duty; and I do not feel myself

called upon to protract the debate for the purpose of enabling those friends who are not, now, in the House, to be present. I do not think that I could enter at length into the subject, without the risk of introducing topics of irritation, which I am most anxious to avoid. I am content, therefore, rather than suffer the introduction of such topics, which I always deprecate, to incur the risk of a division that will, I foresee, be a very unfavourable one. It certainly has been, all along, my impression that her Majesty's Government did not intend to persevere with this clause. Her Majesty's Government, in the Speech from the throne, told the House that there were three subjects of great importance to which they should immediately direct their attention. These were — the improvement of the civil and criminal law, the government of Canada, and the municipal corporations of Ireland. The improvement of the law we have never since heard of; the measure with respect to Canada has been abandoned; and I really had no expectation that the Corporations Bill would meet with a different fate from that of its two brothers. It was certainly my impression that her Majesty's Government did not intend to press it on the consideration of the House at this very late period of the Session, until I heard it announced, the other night, that they meant to proceed with the Irish corporations. My Noble Friend (Lord Eliot) says that the matter of dispute, now, is a trifle. I will only say, that if I thought I were wrong on the point, I should be willing to concede it; but I feel that I am in the right. With respect to the speeches delivered in Dublin, I shall not enter into any vindication of my conduct against the attacks made by persons there, but I believe that no one received more severe condemnation than myself from the parties who delivered those orations. The Noble Lord says that we should not conciliate any parties by refusing to make this concession. I say, I do not seek to conciliate any parties; but I wish to do what I believe to be right. Since I first expressed my desire to bring this question to a settlement, I have laboured anxiously, and have done everything in my power, to induce many, who, naturally and justly, have a very strong feeling on this subject, to lend themselves to a settlement. I have done so on the ground, and with the assurance, that the franchise to be agreed upon should be a *bonâ fide* 10*l.* franchise. I know that my Honourable and Learned Friend was but stating the truth, when he said that, if he had consulted merely his personal feeling, he should have taken a very different course. I can truly say the same, with respect to myself. It should, therefore, be recollected, that there are feelings amongst the former opponents of this measure to be consulted; and that, in order to make the settlement really conciliatory and satisfactory, it is important that the feelings of both parties should be borne in mind. Upon the question that this Bill should be read a second time, I was opposed in opinion to forty of my Honourable Friends, for whom I entertain the highest respect, and I gave my cordial assent to the second reading of the Bill. In refusing to assent to the proposal of the Noble Lord, now, I act in fulfilment of the assurances then given to my Friends; and I feel that this is a ground from which I cannot shrink without stating my opinion, and taking a division, whatever may be the result. I did not wish, in the slightest degree, in rising, to protract the decision of the House, — I regretted only the absence of several Honourable Friends, who, probably, at a later period of the night, would be forthcoming. In rising, I wished merely to state my objection to determining, now, what shall be the franchise in that ominous year 1842. It has been proposed to settle what should be the constitution of Canada in 1842. That course was objected to, and has been abandoned; and, on the same ground, I now object to determining what shall be the municipal franchise of 1842, in Ireland. I do not mean, by this, to hold out expectations that I may assent to the proposition of the Noble Lord, even in 1842. I will make no rash promises on that subject. I shall wait to see how the Poor Law Bill works, and until the documents are before me; and then, perfectly unfettered, I shall take the course which may appear to me to be right. I think, upon the whole, that a 10*l.* franchise would be the best; but I particularly object to determine, now, what shall be the franchise in 1842. I feel it my duty to adhere to the 10*l.* franchise, and I cannot consent to forego a division. I only wish the subject had been brought forward at an earlier period of the Session, when the sense of the House could have been more fairly and more fully taken upon it.

Question put, "That the words proposed to be left out stand part of the clause."

The committee then divided: — Ayes 104; Noes 54; — Majority 50.

AYES.

Aglionby, H. A.	O'Connell, M. J.
Alston, R.	O'Connell, Morgan
Anson, Hon. Colonel	Ord, W.
Archbold, R.	Oswald, J.
Baines, E.	Paget, F.
Barnard, E. G.	Palmerston, Ld. Visct.
Beamish, F. B.	Parker, J.
Bellew, R. M.	Parrott, J.
Bewes, T.	Pendarves, E. W. W.
Blake, M. J.	Pigot, D. R.
Blake, W. J.	Power, James
Bridgeman, H.	Price, Sir R.
Brocklehurst, J.	Pusey, P.
Brodie, W. B.	Redington, T. N.
Bretherton, J.	Rice, Rt. Hon. T. S.
Browne, R. D.	Roche, E. B.
Buller, C.	Roche, W.
Busfeild, W.	Rundle, J.
Butler, Hon. Colonel	Russell, Lord J.
Cave, R. O.	Russell, Lord
Chalmers, P.	Russell, Lord C.
Clive, E. B.	Salwey, Colonel
Coote, Sir C. H.	Scholefield, J.
Craig, W. G.	Seale, Sir J. H.
Curry, Mr. Serjeant	Seymour, Lord
Dalmeny, Lord	Smith, B.
Davies, Colonel	Smith, R. V.
Denison, W. J.	Somers, J. P.
Eliot, Lord	Somerville, Sir W. M.
Elliot, Hon. J. E.	Stanley, Hon. E. J.
Fielden, J.	Stuart, Lord J.
Fenton, J.	Stuart, W. V.
Ferguson, Sir R. A.	Stock, Dr.
Finch, F.	Strutt, E.
Fitzpatrick, J. W.	Tancred, H. W.
Fleetwood, Sir P. H.	Thornely, T.
Gordon, R.	Troubridge, Sir E. T.
Heathcoat, J.	Turner, E.
Hobhouse, T. B.	Vigors, N. A.
Hodges, T. L.	Wakley, T.
Hoskins, K.	Wallace, R.
Hutton, R.	Warburton, H.
James, W.	Ward, H. G.
Macleod, R.	White, A.
M'Taggart, J.	Williams, W. A.
Marshall, W.	Wilshere, W.
Melgund, Lord Visct.	Winnington, H. J.
Morpeth, Lord Visct.	Wood, C.
Morris, D.	Wyse, T.
Muskett, G. A.	Yates, J. A.
Nagle, Sir R.	
Norreys, Sir D. J.	*Tellers.*
O'Brien, W. S.	Steuart, R.
O'Connell, D.	O'Ferrall, More

NOES.

A'Court, Captain	Egerton, W. T.
Archdall, M.	Egerton, Sir P.
Ashley, Lord	Estcourt, T. (Oxf. U.)
Baillie, Colonel	Fitzroy, Hon. H.
Blennerhassett, A.	Fremantle, Sir T.
Buller, Sir J. Y.	Goulburn, Rt. Hon. H.
Burroughes, H. N.	Graham, Rt. Hon. Sir J.
Chapman, A.	Hale, R. B.
Chute, W. L. W.	Halford, H.
Clerk, Sir G.	Herbert, Hon. S.
Clive, Hon. R. H.	Hogg, J. W.
Corry, Hon. H.	Holmes, Hon. W. A'C.
Courtenay, P.	Hope, H. T.
Darby, G.	Hotham, Lord
Dunbar, G.	Hughes, W. B.
Eastnor, Lord Visct.	Jermyn, Earl
Eaton, R. J.	Jones, Captain
Knatchbull, Rt. Hon. Sir E.	Round, C. G.
Lincoln, Earl of	Round, J.
Lockhart, A. M.	Stanley, Lord
Lygon, Hon. General	Teignmouth, Lord
Mackenzie, T.	Tennent, J. E.
Miles, W.	Vere, Sir C. B.
Parker, M.	Vernon, G. H.
Peel, Rt. Hon. Sir R.	Villiers, Lord Visct.
Peel, J.	
Perceval, Colonel	*Tellers.*
Perceval, Hon. G. J.	Shaw, Rt. Hon. F.
Praed, W. T.	Jackson, Mr. Serjeant.

Mr. SHAW.—I think the word "office" ought to be struck out. It is too vague and indefinite to confer a vote. Any hovel might be called an office.

Mr. PIGOT. — The Right Honourable and Learned Gentleman will recollect that many men of business and of large fortune, in Dublin, have an office only in the city, their residence being in the suburbs. The office is to be a distinct place.

SIR ROBERT PEEL. — But the word "office" is not in the English Act; and I must say I agree with my Right Honourable and Learned Friend (Mr. Shaw), that the holding of an "office" should not confer the right to vote. At the same time, lest it should be his intention to take the sense of the House upon the clause, I will take care not to make a speech, as the few minutes I occupied in addressing the House, before, enabled two Noble Lords, one of them the leader of this House, to come in and vote against me, — a clear proof that the division could not have been expected at so early a period of the night.

LORD VISCOUNT MORPETH. — The office of an attorney should be taken into consideration.

Mr. SERJEANT JACKSON. — I trust the Noble Lord will not persist in retaining the word. The Right Honourable Baronet the Member for Tamworth is quite right in saying that the word is not in the English Act, and I should think that the term "counting-house," which is in the clause, comprises every thing necessary. Would it not meet the case of a lawyer or attorney? I say, if you persist in retaining this word, there is not a room in any borough for which a distinct and separate claim to vote will not be set up under the pretence of its being an office of business; and endless questions will arise as to the nature of the business carried on, — how much business, &c. I cannot see the necessity

for inserting, here, a word which was never thought of being inserted in the English Act.

SIR EDWARD KNATCHBULL. — The question is, whether the right of voting depends upon valuation or upon rating? That is what I want to know; and I say that valuation ought not to give the right, for property much below 8*l.* might be valued at the requisite sum.

The Clause was then agreed to.

On clause 21. being put, —

Mr. SHAW said: — This clause is connected with another in the Bill, to which I entirely object, as effecting an alteration in the whole existing law by a side wind. It is a blow at the pipewater tax, and nothing else. The pipewater tax is a local municipal rate; and when I say this, I am quite aware that two committees of this House have decided in two different ways. However, the main question arises upon the 33d clause, which provides what the municipal taxes shall be, by a reference to Schedule X.

The clause was then agreed to.

Clause 22. agreed to.

On Clause 23. being put, —

SIR ROBERT FERGUSON said: — I find the entire argument in the House is as to the difference between the 8*l.* and the 10*l.* franchise; and I am sure the people of Ireland would be more satisfied with an 8*l.* than with an unlimited franchise of this kind. Now, the effect of this clause in Londonderry, as I can tell the House from my own knowledge, will be, that one class will be completely outnumbered by the other. If I have the support of the House, I shall certainly divide against this clause. The effect of it would be almost to give universal suffrage; for a man might claim to be rated, and then turn round upon his landlord, although the landlord himself had paid the rate. I should like to know what is the meaning of the phrase "claim to be rated." If persons claim to be rated, it appears to me they should be obliged to pay; but this proviso appears designed to let them off.

Mr. PIGOT. — The principle is, that the landlord shall not be affected by what his tenants do. The 23d section says that a person shall not vote unless he be rated.

Mr. SERJEANT JACKSON. — I think it is quite necessary to know what sort of constituencies will come in under the rating.

LORD VISCOUNT MORPETH. — The point is in direct analogy with the English law; but, as it seems to be opposed, we will give it up.

LORD J. RUSSELL. — The clause was framed on the supposition that persons who had resided three years in the borough, and paid their rates, were of that class who might be admitted to the franchise.

SIR E. KNATCHBULL. — I still wish to know whether the right of voting is to depend upon rating, or upon valuation?

Mr. O'CONNELL. — It is manifest that it is meant, in this clause, to depend upon rating, because every man is to pay his rates before he can vote.

SIR E. KNATCHBULL. — In what clause? We are in such a happy state of confusion, that nobody knows what we are doing. What clause are we on?

An HONOURABLE MEMBER. — I do not even know what clause of the Bill the committee are discussing.

[Laughter.]

Another HONOURABLE MEMBER. — I believe the question is, "That the word 'office' be struck out." The 22d clause has not yet been disposed of.

Mr. O'CONNELL. — Perhaps, Mr. Bernal, you will be good enough to state what clause it is that we are discussing?

Mr. BERNAL. — My impression is, that the 22d clause has been already disposed of.

[Laughter.]

But if there be any difference of opinion on the subject, I should suppose there will be no objection to go back to it?

The committee then divided on the question, "That Clause 22. stand part of the Bill:" — Ayes 96; Noes 50; — Majority 46.

AYES.

Aglionby, H. A.	Norreys, Sir D. J.
Alcock, T.	O'Brien, W. S.
Alston, R.	O'Connell, D.
Archbold, R.	O'Connell, John
Bannerman, A.	O'Connell, M. J.
Barnard, E. G.	O'Connell, Morgan
Beamish, F. B.	Ord, W.
Bellew, R. M.	Palmer, C. F.
Bewes, T.	Parker, John (Sheff.)
Blake, M. J.	Parnell, Rt. Hon. Sir H.
Blake, W. J.	Parrott, J.
Bridgeman, H.	Pendarves, E. W. W.
Brodie, W. B.	Pigot, D. R.
Browne, R. D.	Price, Sir R.
Bryan, G.	Redington, T. N.
Busfeild, W.	Roche, E. B.
Cave, R. O.	Rundle, J.
Callaghan, D.	Russell, Lord J.
Chalmers, P.	Russell, Lord C.
Clive, E. B.	Rutherfurd, Rt. Hn. A.
Collins, W.	Salwey, Colonel
Curry, Mr. Serjeant	Scholefield, J.
Dalmeny, Lord	Seale, Sir J. H.
Dashwood, G. H.	Shell, R. L.
Davies, Colonel	Smith, B.
Denison, W. J.	Smith, R. V.
Easthope, J.	Somers, J. P.
Evans, G.	Somerville, Sir W. M.
Fenton, J.	Stuart, Lord J.
Finch, F.	Stuart, W. V.
Fitzpatrick, J. W.	Stock, Dr.
Fleetwood, Sir P. H.	Strutt, E.
Grey, Rt. Hon. Sir G.	Tancred, H. W.
Heathcoat, J.	Thornely, T.
Hector, C. J.	Troubridge, Sir E. T.
Hobhouse, Right Hon. Sir J.	Turner, E.
Hobhouse, T. B.	Turner, W.
Hodges, T. L.	Vigors, N. A.
Hoskins, K.	Wakley, T.
Howick, Lord Visct.	Williams, W.
Hutton, R.	Williams, W. A.
Lister, E. C.	Wilshere, W.
Lushington, C.	Winnington, H. J.
Macleod, R.	Wood, C.
Marshall, W.	Wyse, T.
Mildmay, P. St. John	Yates, J. A.
Morpeth, Lord Visct.	
Morris, D.	*Tellers.*
Muskett, G. A.	Stanley, E. J.
Nagle, Sir R.	Donkin, Sir R.

NOES.

A'Court, Captain	Hale, R. B.
Attwood, W.	Hardinge, Rt. Hn. Sir H.
Baillie, Colonel	Hepburn, Sir T. B.
Baring, Hon. W. B.	Hodgson, R.
Blennerhassett, A.	Hogg, J. W.
Buck, L. W.	Holmes, Hn. W. A'C.
Burroughes, H. N.	Hotham, Lord
Chute, W. L. W.	Hughes, W. B.
Clive, Hon. R. H.	Jackson, Mr. Serjeant
Coote, Sir C. H.	Jermyn, Earl
Courtenay, P.	Jones, Captain
Cresswell, C.	Knatchbull, Rt. Hon. Sir E.
Darby, G.	Lockhart, A. M.
Dunbar, G.	Lowther, J. H.
East, J. B.	Lygon, Hon. General
Eastnor, Lord Visct.	Mackenzie, T.
Eliot, Lord	Monypenny, T. G.
Estcourt, T. (Oxf. U.)	Pakington, J. S.
Fitzroy, Hon. H.	Palmer, G.
Goulburn, Rt. Hon. H.	Perceval, Hon. G. J.
Grimsditch, T.	Praed, W. T.
	Pusey, P.
	Round, C. G.
	Round, J.
	Rushbrooke, Colonel
	Teignmouth, Lord
	Tennent, J. E.
	Thomas, Colonel H.
	Vere, Sir C. B.
	Tellers.
	Shaw, Rt. Hon. F.
	Ferguson, Sir R.

Clauses 23. and 24. were then agreed to.

Clause 25. was postponed.

Clauses 26. to 29. were agreed to.

Clause 30.

On the motion of Mr. SHAW, this clause was struck out.

On Clause 31. being put, —

Mr. SHAW said: — This is the companion of Clause 30.; and, indeed, the same vice is carried out in it to a still greater extent. By this clause, any person claiming exemption from arrears of taxation, has only to go before the mayor and assessors, and show a colourable pretence for such claim, and on lodging one year's taxes he would be allowed to vote, pending any inquiry that might take place as to the claim for arrears of taxes. Now, all the party wants is, to get a vote; and having succeeded in this, the question of arrears would never be tried.

Mr. PIGOT. — It appears to me that it would be unjust, indeed, to the poorer classes, if this clause were not permitted to remain. It happens that in many parts of Dublin large arrears are occasionally claimed from parties who do not owe them. Nothing, I think, can be more unfair than that parties advancing, not a colourable, but a *bonâ fide*, claim to exemption, should be disfranchised, unless they give up that claim, and submit to a tax to which they are not legally liable. The clause has been most carefully framed, and every precaution taken that the claim advanced shall not be colourable, but *bonâ fide*. If he make a payment, which is a test of solvency and of sincerity, I do not see why he is to be deprived of his vote.

Mr. O'CONNELL. — It is a common trick to claim long outstanding arrears. Now, if this clause took away from the claimants of those arrears the remedy by distress or action, it would be wrong, and I should vote against it; but, on the contrary, it leaves the power of distress and action. The clause likewise requires, that the party who claims to vote shall

pay down one year's tax before he can be put on the roll, — leaving those to whom the arrears are due, the power to recover them; but, at the same time, protecting the tenant against a practice which, I assure the House, is common in Dublin, of making claims for long arrears.

Mr. SHAW. — Last year, I objected to the clause on the same grounds on which I now object to it, — namely, that you make the payment of one year's tax sufficient, instead of ten years, whatever arrear may be due. All I say is, leave the people in the situation they were placed in by the Reform Bill. Why should you make a difference between the parliamentary and municipal franchise, when, indeed, if you were to make any alteration at all, it ought to be more stringent instead of lax.

Mr. O'CONNELL. — There are some parts of Dublin in which certain particular taxes are not payable at all. Now, they may, perhaps, be claimed in those liberties. I know instances where the assistant barrister has refused to register, except the claimant had paid those taxes, — the pipewater tax, for example.

Mr. PIGOT. — The provision is, that the assistant barrister shall inquire whether the claim be *bonâ fide*, or not.

LORD VISCOUNT MORPETH. — I wish to observe, as it has been said that we gave up this clause last year, — that we did no such thing.

The clause was then agreed to, with amendment.

Clause 32.

On the motion of Mr. SHAW, this clause was postponed.

Clause 33.

On this clause being put, —

Mr. SHAW said: — I must object to the pipewater tax being omitted in this clause, in the list of taxes, the payment of which is necessary to qualification. It is absurd to say that the pipewater is not a municipal rate: it is not optional; it is referred to in the Irish Reform Bill, and it is collected under an Act of Parliament.

The ATTORNEY GENERAL. — I have no hesitation in saying that there is no pretence for calling the collections of this Pipewater Company "a municipal tax," any more than you could so call a rate paid to the Chelsea Waterworks. Where is the difference between water and any other commodity? and why should you call a water rate a municipal tax, any more than money paid to your baker or your butcher?

Mr. O'CONNELL. — The water is private property; and the rate has no more resemblance to a tax than the rent of a house.

Mr. GOULBURN. — I cannot see the distinction. There is a rate levied, and out of that you provide for the lighting, watching, and furnishing the houses with water. Therefore it appears to me in the light of a tax paid for a certain convenience, — namely, that of laying on the water. Because, in London, we pay the Chelsea Waterworks Company, that is no argument as to the supply of water in another place, where the corporation take the supply in their own hands.

Mr. SHAW. — The question is argued as if the water were the property of a private company, who could take it away if they pleased. This is wrong: it is a tax: and I give up all, if it be not admitted that this clause is brought in for the purpose of changing the law as it now stands, by which the pipewater *is* a municipal tax.

The ATTORNEY GENERAL. — It is, substantially, a price paid for goods sold and delivered.

Mr. SERJEANT JACKSON. — The Honourable and Learned Attorney General is, I submit, wrong in that notion, because a person is not at liberty to choose whether he will be a consumer, or not. If, even, he do not use the water, he is still obliged to pay.

Mr. PIGOT. — There are various parts of Dublin not supplied by the corporation; and, in point of fact, they do not supply water all over the city.

Mr. SERJEANT JACKSON. — Will my Honourable and Learned Friend say that it has not been decided that this is a tax? Moreover, will he tell the House that he has any other object in view, in this case, than to answer some purpose of the Honourable and Learned Member for Dublin?

[Cries of "Hear, hear!"]

Mr. O'CONNELL. — In Cork, the water payment is not a tax.

Mr. SERJEANT JACKSON. — That is no answer to my question. In Cork the water shares are in the hands of private persons, and the corporation are shareholders only, in like manner as any other private individuals. If the Government will say that this clause is not to answer some purpose of the Honourable and Learned Member for Dublin, I will withdraw my opposition.

The clause was then agreed to.

Clause 34.

On the motion of Mr. SHAW, this clause was postponed.

Clauses 35. to 69. were then agreed to, with verbal amendments.

Clause 70. agreed to.

On Clause 71. ("Mayor, aldermen, councillors, &c. not to act until they have made a declaration of acceptance of office") being proposed, —

Mr. SHAW said: — I propose to add the following proviso at the end of the clause: — "Provided always, that nothing in this Act contained shall be construed to dispense with the obligation of any person to make and subscribe the oath provided and enjoined by an Act made in the 10th year of the reign of his late Majesty King George IV., intituled, 'An Act for the Relief of his Majesty's Roman Catholic Subjects.'" The Bill, as returned from the Lords, contained this provision. It merely continues the present law, as to the oath which must now be taken by all Roman Catholic corporators on admission to office. The proviso is founded upon the precedent of the English Corporation Act, where there is a similar reference to the declaration required by the Act repealing the Test and Corporation Acts. The Lords gave, in support of the proviso, the following reason: — "Because Parliament having, at a recent period, required that the oath required in the proviso should be taken by corporate officers being Roman Catholics, it does not appear to the Lords that the reform to be effected by this Bill in the municipal corporations of Ireland, will render the taking of such oaths less expedient than it was deemed to be at the time at which it was imposed." I will only remind the committee, that I seek to impose no new obligation; but simply to preserve the law as it now stands under the Roman Catholic Relief Bill.

Question put, "That the proviso be there added."

Mr. S. O'BRIEN. — I believe that those oaths would do more to bring the measure into discredit than anything else.

Mr. O'CONNELL. — I wish the clause to remain as it stands. The moment the oath is taken, feuds will inevitably arise. The Protestant is not required to take an oath; and why should an oath be required of the Catholic? If the proviso be added, it will put a firebrand into the Act. It is the policy of the Legislature to require as few oaths as possible; I wish to see the number at present taken, diminished; and I am happy to find that the Act does not oblige any Protestant to take an oath.

LORD MORPETH. — For my own part, I am satisfied with the declaration made by the officers on taking office, that they will faithfully and truly perform the duties of their respective offices. I think more is unnecessary.

The committee divided: — Ayes 112; Noes 157; — Majority against proviso 45.

AYES.

Acland, T. D.	Eastnor, Lord Visct.
A'Court, Captain	Egerton, W. T.
Alford, Lord Visct.	Eliot, Lord
Alsager, Captain	Estcourt, T. (Oxf. U.)
Bagge, W.	Estcourt, T. (Dev.)
Bailey, J.	Fitzroy, Hon. H.
Baillie, Colonel	Gordon, Hon. Captain
Baring, H. B.	Goulburn, Rt. Hon. H.
Baring, Hon. W. B.	Graham, Rt. Hn. Sir J.
Bentinck, Lord G.	Greene, T.
Blennerhassett, A.	Grimsditch, T.
Bradshaw, J.	Grimston, Hon. E. H.
Broadley, H.	Hale, R. B.
Brownrigg, S.	Halford, H.
Bruce, Lord E.	Hepburn, Sir T. B.
Buck, L. W.	Herries, Rt. Hn. J. C.
Burrell, Sir C.	Hodgson, F.
Calcraft, J. H.	Hodgson, R.
Chute, W. L. W.	Hogg, J. W.
Clerk, Sir G.	Holmes, Hn. W. A'C.
Cole, Lord Visct.	Holmes, W.
Compton, H. C.	Hope, G. W.
Corry, Hon. H.	Hotham, Lord
Courtenay, P.	Hughes, W. B.
Cresswell, C.	Hurt, F.
Darby, G.	Ingestre, Lord Visct.
De Horsey, S. H.	Irton, S.
Douglas, Sir C. E.	Irving, J.
Dugdale, W. S.	James, Sir W. C.
Dunbar, G.	Jermyn, Earl
Duncombe, Hon. W.	Jones, Captain
Duncombe, Hon. A.	Kemble, H.
Dungannon, Lord Vt.	Knatchbull, Rt. Hon.
East, J. B.	Sir E.

Knightley, Sir C.
Knox, Hon. T.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Liddell, Hon. H. T.
Lowther, J. H.
Lygon, Hon. General
Mackenzie, T.
Master, T. W. C.
Meynell, Captain
Monypenny, T. G.
Nicholl, J.
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, M.
Peel, Rt. Hon. Sir R.
Perceval, Hon. G. J.
Pigot, R.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Scarlett, Hon. J. Y.
Sheppard, T.
Stanley, E.
Stormont, Lord Visct.
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord Visct.
Waddington, H. S.
Wood, Colonel T.
Wood, T.

Tellers.
Shaw, Rt. Hon. F.
Jackson, Mr. Serjeant

NOES.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Alston, R.
Archbold, R.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blackett, C.
Blake, M. J.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Busfeild, W.
Byng, Rt. Hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Chalmers, P.
Chapman, Sir M. L. C.
Childers, J. W.
Clive, E. B.
Collins, W.
Craig, W. G.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Duke, Sir J.
Dundas, C. W. D.
Easthope, J.
Ellice, E.
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gordon, R.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Handley, H.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, Rt. Hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howick, Lord Visct.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jervis, S.
Kinnaird, Hon. A. F.
Labouchere, Rt. Hn. H.
Lambton, H.
Langdale, Hon. C.
Loch, J.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Mildmay, P. St. John
Milnes, R. M.
Morpeth, Lord Visct.
Morris, D.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
Oswald, J.
Palmer, C. F.
Palmerston, Lord Vt.
Parnell, Rt. Hn. Sir H.
Parrott, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Power, James
Price, Sir R.
Pryse, P.
Redington, T. N.
Rice, Rt. Hon. T. S.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, R. L.
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, Hon. W. O.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Serjeant
Tancred, H. W.
Teignmouth, Lord
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Walker, R.
Wallace, R.
Ward, H. G.
White, A.
White, H.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wyse, T.
Yates, J. A.

Tellers.
O'Ferrall, More
Parker, J.

Clauses up to 86. were then severally put, and agreed to.

On Clause 86. ("Charitable trustees") being put, —

Mr. F. SHAW said: — I propose, as an amendment, in page 42. line 23., after the word "Ireland," to insert the words "or for the benefit of any person or persons, being Protestants, or any class or denomination of Protestant Dissenters."

Agreed to.

Mr. SHAW. — I now have to propose an amendment in line 24., after the word "church," to insert the following words: — "or (as the case may be) who shall not profess the principles of such class or denomination of Protestant Dissenters, for the promoting whose education or worship, or for whose benefit, any such property as aforesaid may be applicable."

Agreed to.

Mr. SHAW. — The third amendment of which I have given notice to this clause, I will leave for further consideration.

The clause, as amended, was then agreed to.

Clauses 87. to 93., inclusive, were then severally put, and agreed to.

On Clause 94. ("Council may assume the powers of commissioners, under 9 Geo. IV. c. 82., for paving, lighting, or cleansing streets of any borough") being proposed, —

Mr. SHAW said: — I have an amendment to propose to this clause, for the purpose of establishing a uniform, instead of the graduated, scale, as under 9 Geo. IV. It is to the following effect: — That in page 47. line 12., after the words "determine," the following words be inserted, — "But the council shall, and they are hereby authorised and required to levy rates for the purpose of lighting such part of the borough, not according to the powers contained in the said Act of the ninth year of the reign of his Majesty King George the Fourth, but according to the provisions hereinafter contained for levying and raising a borough rate."

Agreed to; and clause, as amended, ordered to stand part of the Bill.

Clauses 95. up to 102. were then severally put, and agreed to.

On Clause 102. ("Tolls or dues payable before the passing of this Act, not to be altered or reduced until payment of the debt chargeable thereon") being put, —

Mr. SHAW said: — I move that the following proviso be added to the end of the clause: — "Provided always, that nothing in this Act contained shall be construed to affect any tolls or dues paid before the passing of this Act, to any member or officer of any body corporate in his corporate capacity, by permission of the true and real owner thereof."

Mr. PIGOT. — I cannot consent to the introduction of this proviso.

Mr. SHAW. — I will not divide the committee; but I wish the proviso to be put from the chair.

The proviso was then put, and negatived; clause agreed to.

Clause 103. ("Council authorised to raise funds for payment of expenses incurred in carrying this Act into execution") was agreed to, with a verbal amendment.

Clauses 104. up to 121. were severally agreed to.

On Clause 121. ("In cities or towns which are counties, sheriffs to be appointed") being put, —

Mr. SHAW said: — I move that clauses 121. and 122. ("Provision for continuance in office of existing sheriffs") be omitted, for the purpose of inserting the following clause: — "And be it enacted, that in each and every of the counties of the cities of Cork, Dublin, Kilkenny, Limerick, and Waterford, and in the counties of the towns of Drogheda and Galway, which respectively are boroughs named in the said Schedule A, and also in the county of the town of Carrickfergus, before the twenty-ninth day of September in the year following the year in which this Act shall come into operation in each of the said cities and towns respectively, and every succeeding year, a sheriff shall be nominated and appointed by the Lord Lieutenant of Ireland, in the same manner to all intents and purposes as the sheriff of any county at large in Ireland is now by law nominated and appointed; and every person who, at the time when this Act shall come into operation in any of the said cities or towns, shall hold the office or execute the duties of sheriff in the said counties of cities and towns respectively, shall continue to hold and execute the same until the first appointment of a sheriff therein under the provisions of this Act, and no longer: Provided always, that if, when this Act shall come into operation in any of the said counties of cities or towns, there shall be a sheriff elect, he shall come into office at the same period as if this Act had not passed, and shall hold his office until the appointment of a sheriff in that city or town under this Act: Provided also, that if this Act shall come into operation in any such city or town more than one calendar month before the twenty-ninth day of September in any year, the first sheriff of the county of that city or town, to be appointed under this Act, shall be appointed before the twenty-ninth day of September in the same year." I think there can be no objection, on the part of the Government, to this amendment, which merely goes to vest the same power in the Lords Lieutenants in appointing sheriffs to those cities and towns which are counties, as they exercise with regard to counties generally. If, however, my clause be objected to by the Noble Lord, I shall not press it to a division.

LORD VISCOUNT MORPETH. — The law has been as it is, now, for several years; and I think it better to leave it so still.

The amendment was then withdrawn, and the original clause agreed to.

Clauses up to 133. were then agreed to.

On Clause 133. ("Justices to appoint a clerk, who shall not be the town clerk, or of the council, nor be concerned in the prosecution of offenders committed by the borough justices") being put, —

Mr. SHAW said: — I propose to omit the proviso from this clause which relates to the granting of licences. I object to give to the justices of the peace in small towns the same power as to granting of spirit licences which is now exercised by the magistrates at quarter sessions. I think this would lead to great inconvenience.

Mr. PIGOT. — The power proposed by this clause is analogous to that which is exercised by the magistrates in England; and I doubt much whether any inconvenience could possibly arise from it.

The clause, as amended, agreed to.

Clause 134. was agreed to.

Clause 135. postponed.

Clauses 136. to 142., inclusive, were agreed to.

On Clause 143. (L) ("Grand jury cess not to be levied in boroughs having quarter sessions") being put, —

Mr. SHAW said: — I propose to omit Clauses 143. to 155., inclusive, empowering councils to provide for the purposes for which grand jury cess is now levied. I want to know whether it is the intention of the Government to persist in these clauses? I think it better not to transfer the power from the grand juries to these proposed town councils, while we are in doubt whether the latter will work well, or not.

LORD MORPETH. — I am of opinion that it is much better to leave the respective town councils to manage the fiscal concerns of the boroughs, — and to leave the fiscal concerns of those districts which are cut off from the boroughs to be managed by the grand juries, as heretofore.

SIR ROBERT FERGUSON. — A clause which will subsequently be proposed, will provide for those cases where districts are cut off.

Mr. WYSE. — I shall support the clauses as they stand in the Bill. I consider them a material improvement.

Clause 143. was then agreed to; as were all the clauses up to Clause 170.

On Clause 170. ("Order of courts of conscience") being proposed, —

Mr. SHAW said: — I hope that these courts will shortly be abolished, and their jurisdiction transferred to the courts of the assistant barristers.

Mr. O'CONNELL. — I think the courts of conscience are the places where the least conscience is to be found. The greatest injustice is encouraged and perpetrated in these courts; and I shall be glad to see them altogether abolished.

Mr. SERJEANT JACKSON. — I quite agree that there is not a good court of conscience in Ireland.

Clause agreed to.

Clauses 171. up to 184. were then severally put, and agreed to.

On Clause 184. (AA) ("Poor Law Commissioners to certify to the Lord Lieutenant when valuation is made") being proposed, —

Mr. SERJEANT JACKSON said: — I object to the permanent machinery for appeals from the valuation which the Bill goes to provide. The Poor Law, the valuation of which is taken for this Bill, is limited to three years; and I think it would be far better to leave the commissioners to do their duty, — and I am sure they would do it honestly and fairly, — without establishing this permanent machinery for appeals, to support a qualification that is to continue for three years, only.

Mr. PIGOT. — These valuations are made under the superintendence of the boards of guardians; and, in some localities, it is quite possible that party spirit may prevail, and have some influence on the decisions of the board. On this ground, then, if on no other, I think it would be better to introduce a tribunal of appeal, which would take away any odium that may otherwise attach to the authorities under the Poor Law.

Mr. SERJEANT JACKSON. — There is an appeal, already, from the valuation

under the Poor Law, in the court of quarter session.

Mr. PIGOT.—That is an appeal against the rate, not against the valuation.

The clause was then agreed to; as were clauses up to 246., inclusive.

Clause 247. ("Saving the rights of the Governor and the assistants of the Irish Chamber of London, of New Plantation in Ulster, and of lords of manors") agreed to, with an amendment.

Clause 248. postponed.

The remaining clauses of the Bill were then agreed to.

Schedule A agreed to.

Schedule B postponed.

The remaining schedules, C to F, were then severally agreed to.

LORD VISCOUNT MORPETH.—I now propose to go on with the postponed clauses.

Mr. SERJEANT JACKSON.—I really must protest against that course. The committee has already gone through 250 clauses; and it is too much, now, at this hour (a quarter to one o'clock), to enter upon the postponed clauses,—many of which are very important. I must say that the manner in which the Bill has been gone through is a farce upon legislation. So rapidly have the clauses been put by the chairman (who, in some instances, has not even read the marginal note) that I have been wholly unable to follow him.

LORD J. RUSSELL.—I must remind the Honourable and Learned Gentleman that the Bill has, now, been four years before the House.

Mr. SERJEANT JACKSON.—Not this Bill.

The first posponed clause, No. 6. ("Persons who, before the passing of the Act, were entitled to vote for Members of Parliament, may still enjoy that right") was then put.

Mr. SHAW.—There are two most unfair provisos added to this clause. The first, in the print of the 19th of February, for the purpose of excluding persons who are admitted freemen by grace especial before 1831, but whose names have not been placed on the roll in consequence of not having been sworn, from acquiring the franchise, as they now by law can, by being sworn and placed on the roll. The second proviso has reference to the case of Adcock, decided by the Court of Queen's Bench in Ireland, and is intended to deprive the freemen of Dublin of the rights reserved to them by the Irish Reform Act, by virtue of birth, servitude, or marriage. At this late hour, I will not detain the committee, by dwelling on the partiality and injustice of this attempt, but I shall simply move the amendment of which I have given notice.

Clause 6. p. 4. line 1. To omit from the word "That" to the end of the clause, and to insert the following words:—"All persons now entitled to vote at the election of a Member or Members to serve in Parliament for any city, town, or borough, shall continue to enjoy such right as fully as if this Act had not been passed; and that every person who, if this Act had not been passed, would have had a right to be admitted a freeman or burgess, or to be placed on the roll of freemen or burgesses of any such borough as aforesaid, in order to be registered, and to vote in the election of a Member or Members to serve in Parliament, or might hereafter have been entitled to acquire, in respect of birth, or marriage, of servitude, or of any statute then in force, as a freeman or burgess, the right of voting in the election of a Member or Members to serve in Parliament for such borough, shall be entitled, if such borough be one of the boroughs named in the said Schedule A, or one of the boroughs to which a charter of incorporation shall have been granted, as hereinafter is mentioned, to be admitted a freeman or burgess, and placed on the roll of freemen of such borough, and to acquire and enjoy such right of voting as fully as if this Act had not been passed; and if such borough be one of the boroughs named in the said Schedule B to which no such charter of incorporation as aforesaid has been granted, to acquire and enjoy, without having been admitted a freeman or burgess, such right of voting as fully as if this Act had not been passed, and he had been admitted a freeman or burgess, provided he shall be enrolled on the freeman's roll in any such city, town, or borough, according to the provisions hereinafter contained; and, in every such borough as last aforesaid, the Lord Lieutenant of Ireland shall appoint a fit person to make out a list to be called the freeman's roll; and, whenever any person who, if this Act had not passed, would have been entitled to his freedom

in such borough by reason of birth, marriage, or service, shall claim to be enrolled upon such roll, the person so appointed shall examine into such claim; and, upon such claim being established, shall enrol the name of such claimant upon the roll, and shall keep a true copy of such roll, to be perused by any person, without payment of any fee, at all reasonable times; and shall deliver a copy thereof, or extract therefrom, to any person requiring the same, on payment of a reasonable price for such copy."

Clause 11. ("Places only included within the boundaries for the purposes of this Act. Parts cut off from the borough to be declared part of the adjoining county") agreed to.

Clause 12. (A) ("Provision for annexing districts cut off from borough to adjoining baronies") agreed to.

Clause 13. (B) ("Grand jury, with approval of judge, to adjust proportions of grand jury cess") agreed to.

Mr. SHAW.—I beg leave, now, to submit the clauses which I moved last year. I propose to insert, after clause 82., the following clauses:—

"And whereas an Act was passed in the last Session of Parliament, intituled, 'An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland,' whereby it is provided that no person who should have been appointed to any office or place of profit in or by any of the said bodies corporate, since the sixteenth day of February, in the year one thousand eight hundred and thirty-six, should be entitled, by reason of such appointment, to have any compensation for the loss of such office or place of profit, or of the fees or emoluments thereof, in case provision should be thereafter made by Parliament for removing him, or authorising his removal from such office or place of profit, or for amending or abolishing the same:

"And whereas the office of President of the Court of Conscience in the city of Dublin is now, by law, vested in, and the duties thereof performed by, the alderman who shall have served in the office of Lord Mayor for the next year after his year of office:

"And whereas it is just and reasonable that an adequate compensation should be provided for the President of the said Court of Conscience, and the Lord Mayor who shall be in office at the time this Act shall come into operation in the city of Dublin, for the fees and emoluments which, under the provisions of this Act, they may respectively cease to be entitled to, in respect to the said Court of Conscience:

"And whereas doubts may arise whether, under the provisions of the said Act, it may be lawful for the council of the city of Dublin to assess compensation for the said President of the Court of Conscience and Lord Mayor:

"Be it enacted, That the President of the Court of Conscience and Lord Mayor of the city of Dublin, who shall be in office at the time this Act shall come into operation in the city of Dublin, shall be entitled to have an adequate compensation, to be assessed by the council, and paid out of the borough fund, for the fees and emoluments of the offices which, under the provisions of this Act, they shall respectively cease to hold, or become entitled to acquire or to enjoy, in respect of the said Court of Conscience; the same to be ascertained in the same manner, and by the same means, and with the like power of appeal, according to the provisions contained in this Act, in respect to the compensation of other officers, so far as the same are applicable."

"And whereas it has been usual for every alderman of the said city, on his election, to pay to the treasurer of the corporation the sum of two hundred and ninety-five pounds, which sum is applied to a fund called 'The Junior Aldermen's Fund, for the Repairs and Embellishments of the Mansion House;' and it is also just and reasonable, that any such junior aldermen should be indemnified, by and out of the borough fund of the said city, for the sums respectively paid by them on their election for the purposes aforesaid; be it enacted, That it shall and may be lawful for the council of the said borough, and they are hereby required, out of the borough fund, to repay, or cause to be repaid, unto such of the junior aldermen of the city of Dublin as, at the time this Act shall come into operation in said borough, shall not have become Lord Mayor, all such sum or sums of money as every such junior alderman may have *bonâ fide* paid on his election, for or towards the repairs and embellishment of the Mansion House of the said city, not exceeding, in the whole, for each such junior alderman, the sum of two hundred and ninety-five pounds."

"And whereas it is desirable that every officer of any borough named in Schedule A, who shall be in any office of profit at the time of passing this Act, and who may be subject to removal from his office

under its provisions, should have the power to resign within a limited period; be it enacted, That it shall and may be lawful to and for every such officer, within the period of three calendar months next after the first election of councillors in such borough under the provisions of this Act, to resign any office of profit which he may hold in such borough, and every such officer who shall or may so resign his said office shall be entitled to compensation in like manner as if he had been removed from his office under the provisions of this Act, anything herein contained to the contrary thereof in anywise notwithstanding."

LORD VISCOUNT MORPETH. — I have no objection to the introduction of the clauses providing compensation for the Lord Mayor and President of the Court of Conscience and junior aldermen of Dublin; but I cannot agree to the clause giving the borough officers the power to resign within three months,—as that would be introducing a new principle at variance with the English Corporation Bill.

Clause 1. ("Providing compensation for Lord Mayor and President of the Court of Conscience and junior aldermen of the city of Dublin") put, and agreed to.

Mr. SHAW. — I now propose the following clause, which has reference exclusively to the city of Cork: —

"And be it further enacted, That in every case in which any body corporate named in the Schedule A to this Act annexed, or any person or persons elected by any such body corporate, is or are trustee or trustees authorised to exercise any power or provisions of any Acts of Parliament for any purpose, producing profits which, or parts of which, are or is to be divided between shareholders or proprietors for their own benefit, then the powers and provisions of all such Acts shall, from and after the time when this Act shall come into operation, until Parliament shall otherwise provide, be executed by such trustees as the Lord Chancellor of Ireland, or Lords Commissioners for the Custody of the Great Seal, for the time being, shall, by order to be from time to time made upon petition, in a summary way, appoint and select; regard being had, in such appointment, to the rights of the several parties interested."

Clauses put.

Mr. PIGOT. — I have no objection to reserve the subject for consideration.

Clauses postponed.

Mr. SHAW. — I have, now, to propose clauses "providing that the standing Governors of the Blue Coat Hospital, Dublin, at the time of this Act coming into operation, shall be constituted a body politic, in place of the Lord Mayor, sheriffs, &c." I submit these clauses to the committee for their consideration; if they are objected to, I will not trouble the committee to divide.

LORD MORPETH. — I cannot consent to these clauses.

Clauses withdrawn.

Mr. SHAW. — I beg to propose clauses with respect to auditing the public accounts, according to my printed amendments.

Clauses put.

Mr. PIGOT. — I think the clauses good ones, and will consider them.

Clauses postponed.

The House resumed; the Chairman reported progress; and Bill to be reported on Monday.

GLASS DUTIES BILL.

Read a second time, and committed for this day.

BILLS OF EXCHANGE BILL (*No.* 2.).

On the motion of the CHANCELLOR of the EXCHEQUER, the Order of the Day for the committee on this Bill was read.

Question put, "That Mr. Speaker do now leave the chair."

Mr. SHEPPARD. — Really, Sir, this Bill is too important to be proceeded with at this late hour.

SIR R. H. INGLIS. — This Bill proposes an important alteration in the existing law. The first clause affects the whole of the usury laws, as regards loans above 10*l.* sterling. I cannot think that a measure so extensive in its operation

can receive that consideration which it is surely entitled to, at this late hour.

The CHANCELLOR of the EXCHEQUER. — As the Bill was brought in originally, and sent up to the Lords, it was merely the renewal of the Act that passed two years ago. Considerable alterations were, however, made in the Bill by the other House; and it was sent back here in so incomplete a form, that it could not have been passed without the introduction of certain other amendments; and even then it would be so open to misconstruction, that we thought it better to propose a new Bill for carrying out our object, and which should, at the same time, embrace the amendments of the other House. Had the Lords' amendments been adopted by this House without alteration, very great inconvenience must have resulted. For instance, one of those amendments went to remove all loans on deposits of goods from the operation of the Usury Laws. One effect of this would be to repeal the Pawnbrokers Act, which certainly was not contemplated on the introduction of the Bill. There were other amendments introduced by the Lords, to which there was no objection; but for the reasons I have stated, instead of agreeing to the amendments of the Lords in the original Bill, it was thought better to draw up a new Bill, which, while it adopted those amendments, should do so, without risking the repeal of the Pawnbrokers Act. I do not propose to make any motion on the Bill as returned from the Lords, until I see what will be the fate of this in the other House; but I will leave that Bill, with those amendments, on the table, to give Honourable Gentlemen an opportunity of judging between the two. After this explanation, if any objection should be urged to going into committee now, I shall be willing to postpone the measure till another evening.

Mr. DARBY.—I understood the Right Honourable Gentleman, the other night, to say that this Bill was intended merely to carry out the Lords' amendments to the original Bill; but, on examining it, it appears to me that this Bill goes much further than the former, even with the Lords' amendments added.

The CHANCELLOR of the EXCHEQUER. — This Bill merely carries out the intentions of the original Bill, together with the amendments inserted in that Bill by the House of Lords; but it certainly does correct some technical errors in some of those amendments. As the Bill was amended in the Lords, a deposit of goods would take any contract out of the operation of the Usury Laws, which, as I have stated, would, in fact, have been tantamount to a repeal of the Pawnbrokers Act.

Mr. BROTHERTON. — I submit, Sir, that it is most improper to proceed to discuss so important a subject at this late hour; and if the motion for the committee be pressed, I shall feel it my duty to move the adjournment of the House.

The CHANCELLOR of the EXCHEQUER. — I stated, at first, that if it was the wish of the House not to proceed, I would not press the motion. This Bill cannot be considered as a Government measure, but is intended to give relief to the commercial world under the new regulation of the Bank, which has declined to discount at less than 5½ per cent.; and many persons connected with the trading interests of this country are extremely anxious that it should pass. Under these circumstances, I trust the House will see how important it is that as little delay as possible should be thrown in the way.

Mr. J. A. SMITH. — The object of the Bill is one of great interest and importance to a large class of the community; and I hope that no unnecessary delay will be allowed to interrupt its progress through the House.

Mr. CAYLEY. — I do not see why a law which has existed for more than 100 years, regulating the rate of interest at 5 per cent., should be broken in upon without full and ample grounds being shown for the necessity of such a proceeding. I shall not object to the motion for going into committee, provided an opportunity for a full discussion of the clauses be given on a future evening. The Bill gives protection to the higher, and not to the lower, classes of trading; and is, in other respects, open to objection. I have some amendments to propose, but will not go into them at this late hour, if another opportunity will be given us to discuss the Bill.

Mr. WALLACE. — I know that this is a Bill, in the success of which the whole commercial interests of the country feel a deep interest. They have considered it fully, and are convinced that it will confer upon them a very general benefit.

Mr. SHEPPARD. — I think it would be much more convenient to postpone the consideration of the Bill to a more fitting

opportunity. This Bill materially differs from the former.

Mr. WARBURTON. — I can see no objection to going on with the Bill. The only question to be considered is, whether bills of exchange of twelve months shall be exempt from the Usury Laws, or not?

The SOLICITOR GENERAL. — The whole object of this new Bill is, to correct an evident oversight in the Lords. All the alteration that has been made is in the way of restriction, not extension; because, whereas the law now applies to all loans, this Bill restricts the benefit to all loans above the sum of 10*l.*

SIR R. INGLIS. — The relaxation of the present law, which was agreed to by the Lords, was in reference only to bills of exchange and promissory notes of a certain description, ——

[Cries of "No, no!"]

but the words in the first clause of this Bill embrace everything in the shape of security, — extending to every form by which money can be raised or borrowed, and to every loan above 10*l.* sterling. This is so material an alteration in the Usury Laws, that I think it requires much consideration before the House decide upon its adoption.

Mr. M. PHILIPS. — I can see no reason why the manufacturer, in need of money, should be obliged to dispose of his goods at the sacrifice of 20 per cent., instead of raising money upon them at 6 or 7 per cent., to enable him to meet a temporary difficulty. I think the Bill a very valuable one, and shall feel it my duty to support it.

LORD WORSLEY. — I believe the improvement which this Bill would effect in the commercial community is generally admitted; and although, certainly, it is somewhat late, I trust it will be allowed to advance another stage to-night.

The question was then agreed to.

House resolved itself into committee.

Clause 1. On this clause being proposed,—

SIR R. INGLIS said: — I decidedly object to the alteration which has been made in this clause in the present Bill, from the corresponding clause of the Bill that passed through this House on the former occasion. The words I object to are these, — "nor any contract or loan above the sum of 10*l.*"

The CHANCELLOR of the EXCHEQUER. — By the Bill, as it was sent back from the Lords, the Usury Laws were totally repealed on contracts with deposit of goods, or on certain other conditions. But here is a case of contract without deposit of goods: so that the Bill would not apply to it. Suppose, when the Bill shall have come into operation, a simple contract which had been effected under the Usury Laws, when interest was 6 per cent., remained; the result would be, that although the party might be enabled to obtain money on a simple contract under another state of things, at 6 per cent. interest, he would derive no benefit from this Bill, whereas the slightest deposit of goods would legalise the contract, and the Usury Laws would be inoperative. There was no practical change introduced into the Bill as sent from the Lords, but that which made it more reasonable and consistent with the law. Now, I say, if this can be done under the law as it stands, we had better sanction it directly, than allow it to go on without the sanction of the law.

Mr. CAYLEY. — I have a proviso to propose at the end of this clause, namely, "That nothing herein contained shall extend to produce or stock in the hands of the growers."

Question put, "That these words be there added."

The CHANCELLOR of the EXCHEQUER. — The effect of these words would be, that a farmer having 100 quarters of grain, and his neighbour 100 bags of cotton, — the former would be prevented from raising money on his 100 quarters of grain, whilst the holder of the cotton would have a monopoly of the money market. But if we suppose a case of two proprietors of 100 quarters of grain each, one the grower and the other the factor, the latter would be able to raise money on his stock, whilst the unfortunate farmer's would be useless in that respect. The chief object of this Bill is to afford brief aid, in raising money for short periods; another is, to extend it to long engagements, such as bills of twelve months. I can assure my Honourable Friend, that if he should have the misfortune to carry his amendment, he could not inflict a greater blow on the class of persons whom he wishes to serve.

CAPTAIN GORDON.—I do not see why the farmer should be denied those advantages which you offer to other traders,—of obtaining money upon the security of his stock, to enable him to pay his rent, or to meet any temporary pecuniary difficulty.

Mr. CAYLEY. — There are not the same means of obtaining money in rural districts as there are in towns. The operation of this Bill, if it pass in its present form, will be, that the lower class of money lenders in the country will be able to obtain an enormous rate of interest for any temporary loan the farmer may require. It is to protect the small class of money borrowers, that I stand up here,—and not to protect the landlords.

CAPTAIN GORDON. — Suppose a farmer take a number of sheep to market to raise money for his rent; it may happen, as it often does, that a fall of 4*s.* or 5*s.* per head takes place very suddenly: now, whether is it better that he should be compelled to sell his stock at a great sacrifice, or that he should raise money upon it, at a moderate interest, in the neighbourhood, in order to enable him to meet his landlord's demand? I look upon this Bill as a great boon to the agricultural interest.

Mr. F. BARING.—The Honourable Member's amendment would place the farmer in even a worse position than he is now in; for if you allow all persons except the farmer to raise money at a higher rate of interest than 5 per cent., and deny to the farmer the same advantage, the farmer will not be able to obtain money at all, because the money lender will naturally say, "I must lend my money where I can obtain the highest rate of interest."

Mr. M. PHILIPS.—The Honourable and Gallant Member (Captain Gordon) has shown that this Bill will be of great advantage to the farmer, by enabling him to meet any sudden emergency, by borrowing money for a short period — at a high rate of interest, it is true; but which rate he could better afford than he could to raise money by selling his stock at a ruinous loss. But here is another benefit: the extensive farmer governs the sales of the market; and when he is obliged to sell below the market price, that lowers the market, and does great injury to the smaller farmers as well as to himself: but if he can keep up the price of his stock, by not being obliged to sell at a great loss, he keeps up, also, the price of his poorer neighbours' stock. Then, with regard to the manufacturer, is it not better for him to pay 6 or 7 per cent. for a temporary loan, than to sell the goods in his warehouse at 15 or 20 per cent. loss? I know that it will be of great advantage to the manufacturer to be enabled to borrow money for a short time to meet any sudden and temporary embarrassment, and I conceive that the same principle must apply to the agriculturist.

Mr. DARBY.—As regards the agricultural interest, I believe that, for a farmer to borrow money to enable him to carry on his farm, would be a most ruinous system, and that it is impossible for the farmer who resorts to it to succeed. Although the Bill may afford some temporary benefit, I believe that, ultimately, it will do much mischief. At the same time I admit, that if you allow other persons to borrow money at a rate of interest above 5 per cent., and yet deprive the farmer of the means of borrowing at 5 per cent., you throw an additional difficulty in his way; therefore, if the question goes to a division, I shall oppose the amendment of the Honourable Member for Yorkshire, because I think it would operate unjustly by the farmer as compared with the other classes of the community.

Mr. CAYLEY. — I do not want to debar the farmer from borrowing money, but to protect him from being charged that enormous rate of interest which, during the great commercial pressure, was charged to the manufacturer; for I am quite sure, that if the farmer were to raise money at such a high rate of interest, the consequence would be ruinous to him.

Mr. DARBY. — If the Honourable Member could insure money to the farmer, when he required it, at 5 per cent. interest, I would vote for his amendment.

Mr. MARK PHILIPS. — The question simply is,—Shall the farmer have an opportunity of raising money, when he requires it, at a high rate of interest? or shall he not be able to borrow money at all?

LORD WORSLEY. — The fear my Honourable Friend (Mr. Cayley) has, is, that the farmer would not be enabled to obtain money at 5 per cent. interest; but the effect of his clause would be to prevent him from raising money under any circumstances. I am sure that that is not

what my Honourable Friend requires; therefore I hope he will withdraw his amendment.

Amendment, by leave, withdrawn; clause agreed to.

Remaining clauses agreed to.

House resumed; Bill to be reported to-morrow.

LOAN FUND (IRELAND) BILL.

Committee deferred till Monday next.

JOINT TENANTS VOTING (IRELAND) BILL.

Read a third time, and passed.

REGISTERS OF BIRTHS, &c. BILL.

Third reading deferred till Monday next.

BANKRUPT LIABILITY BILL.

Considered in committee, and reported, without amendment; to be read a third time to-morrow.

BOROUGH COURTS (No. 2.) BILL.

Read a third time; clause added; Bill passed.

INDEMNITY BILL.

Read a second time, and committed for to-morrow.

SHANNON NAVIGATION BILL. — COPYRIGHT BILL. — PUBLIC WORKS (IRELAND) BILL.

Committees deferred till to-morrow.

EMBANKMENTS (IRELAND.

On the motion of LORD VISCOUNT MORPETH, Act (1 and 2 Will. IV. c. 57.) read; Bill to amend the said Act, ordered to be brought in by LORD VISCOUNT MORPETH and Mr. MORE O'FERRALL.

TOWN COUNCILS.

Bill, "for giving additional Powers to the Councils of Corporate Towns," presented, and read a first time; to be read a second time on Monday next, and to be printed.

POST OFFICE.

Acts read; committee thereupon to-morrow.

PRIVATE BUSINESS COMMITTEE.

SIR GEORGE GREY added, in the room of Mr. SPEAKER.

PUBLIC PETITIONS COMMITTEE.

Thirty-fourth Report brought up, and read. — To lie on the table, and to be printed.

RETURNS.

Unstamped Promissory Notes (Ireland). — On the motion of Mr. CLAY, Return ordered —

Showing the average amount of the circulation of unstamped promissory notes, on which composition, in lieu of stamp, has been paid (pursuant to the 9th Geo. IV. c. 80.) by the several banking establishments in Ireland, for each half year, from the 1st day of January, 1837, to the 30th day of June, 1839.

Lunatics. — Return (presented 20th of June).

Ships' Tonnage Admeasurement. — Return (presented 24th of June).

Merchant Seamen. — Return (presented 27th of June).

Committees on Private Bills. — Return (presented 3d of July).

Severally ordered to be printed.

Adjourned at a quarter after two o'clock.

HOUSE OF LORDS, VENERIS, 5° DIE JULII, 1839.

The LORD HAWKE took the oaths.

WEGUELIN'S DIVORCE BILL.

Read a third time, and passed; and sent to the Commons.

PEMBERTON'S DIVORCE BILL.

Returned to the Commons, agreed to; and the evidence taken before the House (communicated to the Commons on the 21st of June last) returned.

MARQUESS OF CHOLMONDELEY'S ESTATE BILL.

Read a third time, and passed; and sent to the Commons.

The EARL of SHAFTESBURY sat Speaker.

House adjourned, during pleasure, and resumed by the LORD CHANCELLOR.

NORTHERN AND EASTERN RAILWAY BILL (No. 1.).

Read a third time, and passed.

NORTHERN AND EASTERN RAILWAY BILL (No. 2.).

Read a third time, with the amendments; an amendment made; Bill passed, and sent to the Commons.

DEPTFORD PIER JUNCTION RAILWAY BILL.

Read a third time, with the amendment; Bill passed, and sent to the Commons.

ANNIESLAND AND BLACK QUARRY ROAD BILL.

Read a second time, and committed for Monday next.

OVER DARWEN GAS BILL, — JOINT TENANTS VOTING (IRELAND) BILL. — PRISONS (SCOTLAND) BILL.

Brought from the Commons; read a first time, and to be printed.

BRICK DUTIES BILL. — PAPER DUTIES BILL.

Brought from the Commons, and read a first time.

RULES OF PROCEEDINGS (BOROUGH COURTS) (No. 2.) BILL. — DAVIE'S ESTATE BILL. — HALL'S ESTATE BILL.

Returned from the Commons, agreed to.

SIDMOUTH MARKET BILL.

Returned from the Commons, with the amendments agreed to.

BOROUGH WATCH RATES BILL.

Read a second time (according to order), and committed to a committee of the whole House on Monday next.

PRISONS (SCOTLAND) BILL.

The EARL of ROSEBERY presented petitions in favour of, — of the Lord Provost, magistrates, and town council of Edinburgh; of the provost, magistrates, and town council of Stirling; and of commissioners of supply of Linlithgow. — Read, and ordered to lie on the table.

Also, a petition of the committee of the Prison Discipline Association for Scotland. — Read, and ordered to be received as the petition of David Maclagan, M.D. (the chairman), who, only, has signed it.

EDUCATION (NATIONAL).

The EARL of DEVON and the ARCH-

minor of CANTERBURY presented petitions against the plan recommended by the Privy Council, — of ministers, churchwardens, and others of North Runcton; Epsom; West Winch; and Tottenhill and Wormegay: of the perpetual curate, churchwardens, and others of Battington: and of inhabitants of Lambeth; East Farleigh; Grimston; Maidstone; Heavitree; and Blackburn.

On presenting several of the above petitions, —

The ARCHBISHOP of CANTERBURY said: — I do not wish, at present, to detain the House by offering any observations upon these petitions, and so anticipating the very important discussion which is about to take place, further than to explain that the reason why the petitions are not very numerously signed is, that many of the persons disposed to address the House, have already petitioned the House of Commons.

Read, and ordered to lie on the table.

PRISONS BILL.

The DUKE of RUTLAND presented a petition against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion, whose tenets differ from the principles of the established church, — of inhabitants of Watton. — Read, and ordered to lie on the table.

Also, a petition of the committee of the Derby and Derbyshire Auxiliary Established Church Society. — Read, and ordered to be received as the petition of James Dean (chairman), who, only, has signed it.

JAMAICA BILL.

The MARQUESS of NORMANBY. — On moving the third reading of the Jamaica Bill, I cannot avoid expressing my regret that it has been deprived of some enactments which I think essentially necessary to the present state of society in Jamaica, as I feel that they would have contributed to the establishment, on a firm footing, of relations between master and servant, which might have been satisfactory to the negroes, and beneficial to the proprietors. However, I now trust that the Assembly of Jamaica — seeing that the Bill, in its present state, has received the almost unanimous assent of the Houses of Parliament — will resume their duties, and render the enactment unnecessary; and I can assure the House that the Government will show, by their instructions to the Governor, that they have every disposition to bring matters to so desirable a result.

The Bill was then read a third time, and passed; and sent to the Commons.

EDUCATION (NATIONAL).

The ARCHBISHOP of CANTERBURY. — I rise to move the resolutions of which I have given notice, respecting the Government plan of education. I have, this evening, presented several petitions to the House, all of which are directed against the proposed scheme of education, and pray your Lordships to avert the evils with which the church and the country are threatened. In the sentiments generally expressed in those petitions I entirely concur; and it is a great satisfaction to me to find myself thus supported in the painful position which a paramount sense of duty now renders it incumbent on me to take. Standing in the situation I do, — intrusted with the care of the church, and, in a great measure, with the guardianship of the religious and moral interests of the country, — I feel that I cannot, consistently with the obligations of duty, decline coming forward on the present occasion; and even if there had been any hesitation on my own part to do so, I certainly could not have resisted the call made on me by — I will not say the clergy merely, but — all the friends of the church, as well as by a very numerous body of dissenters. The clergy are liable to attacks on every occasion; and they may possibly be, now, represented as acting from interested motives; but is it possible that the great body of those who dissent from the church, — a body of persons highly respectable for their number, piety, and freedom from political bias, — is it possible to conceive that a regard for the church has occasioned the expression of their opinions and feelings? No. But it is — a regard for the true interests of religion. They dislike this latitudinarian principle — this principle called liberal, which would sacrifice the real interests of the people to political considerations. The question I am about to submit to your Lordships' consideration affects the very foundations, not only of the church, but of religion. It is a question as to the manner in which the people should be educated, — as to whether the people are

to be instructed in sound principles, or whether the state is to go so far as to instruct them in the principles of every sect, however wild and extravagant these may be? Much has been said against the clergy; — and they are distinguished from the "friends of the church," because, I presume, they are thought to be more vulnerable. It is said that they wish to keep the people in ignorance, and that they put forth pretences to the exclusive education of the people. There is no foundation for any of these attacks on the clergy. Their real crime is, — not that they are adverse to the diffusion of general knowledge, but, — that they wish to go further than some persons seem to desire, and are anxious to add religious instruction to secular education. That is their crime, — and to that they plead guilty. The clergy are also accused of bigotry. The charge means nothing more than that they are decidedly attached to that religion which they feel to be the best; and to this charge they also plead "guilty." But I apprehend that there is no man in his senses but would give them credit for a feeling of that kind: and as for their wishing for the exclusion of the poor,—all their desire is, that the education of the children of parents of their own flocks, who attend their own church, may not be taken out of their hands, and that there may be no interference with them in the performance of their duties towards either the young or the old; so that the children of their own flocks may be educated in the same principles, in the same forms of religious faith, and in the same doctrines of religion, which they will, afterwards, hear preached at church.

I trust that your Lordships will allow me to say a few words on the history of the education of the poor in this country. It may seem surprising to those who are not acquainted with the state of things in those ages, that very little was done, at the time of the Reformation, for the education of the poor. The great ignorance which pervaded the country at that period, and the evils resulting from it, made a deep impression on the minds of all thinking persons; but it was the ignorance of the higher classes alone which they were particularly anxious to remedy; and therefore, in the numerous schools the establishment of which immediately followed the Reformation, there were means of instruction provided in the learned languages, only, in order that the higher classes might be rescued from that ignorance in which they had been involved for so many ages. It was not until the close of the seventeenth century, about the year 1685, that the first charity school was established in this great town for the education of the poor. That school was erected by the friends of the church; and about the beginning of the last century, the want of education for the poor began to press so heavily upon the minds of the church, that a society was formed,— which society, consisting exclusively of Churchmen, came forward and established, in the course of a few years, those schools in the metropolis which have since continued to flourish, to the great benefit of this vast town. Those schools have considerably increased in numbers, and have been the exclusive work of the church and of the "Society for promoting Christian Knowledge." At first, there were only 400 or 500 children educated; but the number has gradually increased; and now it is so great, that at the annual celebration of the establishment of these schools, a selection is made from the children, as St. Paul's is not large enough to hold them all. Under the auspices of that society, about 1500 schools were established in England and Wales, and the children were instructed in the principles of the established church, not in the principles of dissent. What was done then, however, has become, since, very inadequate; so that, as time advanced and population increased, this insufficiency was felt to a great degree; and in the beginning of the present century, the want of education was so extreme, as almost to make the friends of religion despair. It seemed impossible to find an adequate remedy; for, notwithstanding all that had been done by those friends of the church at that time, there appeared to be such a deficiency of education, — such a mass of uneducated persons, — that the most sanguine could hardly expect to have found a remedy. But about that time, a new system was invented by Dr. Bell, of Madras, and a similar one was adopted by Mr. Lancaster in this country, which are now used indiscriminately, as far as the mechanism of both is concerned, — because, in fact, they are both one and the same, — by which system an opportunity was opened to the society for extending their labours to the education of the poor. Such was the state of the country at that time. For an account of what has taken place in the course of the last thirty years, I will refer to a document published by the National Society for promoting the Education of the Poor, by which it will be seen how exceedingly the statements of great deficiency of education are exaggerated, and how much has been done by the labours of that society: —

The society accordingly proceeded to the in-

stitution of such committees; and before the close of its first year found itself in connection and correspondence with almost every diocese in England and Wales; and by these means it has been enabled to call into being a vast number of schools in all parts of the country, whilst, by grants from its own funds to the amount of 120,659*l.* it has directly aided in the erection of new schools in 1559 places, to the extent of two or three schools each in most of the parishes so assisted; and trained, at its central school in London, 2695 teachers. It has also become the nucleus of a large number of schools, to which it has not rendered pecuniary assistance, but which have placed themselves in union with it, in testimony of their confidence in the heads of the church, who direct its affairs, and in order to insure to succeeding generations an education in the principles of the national church. The number of schools actually united to the society is at this time 6778, which contain 597,911 children; whilst the total number, supported wholly or in part by benevolent individuals, for the instruction of the poor in the same principles, amounts (as ascertained by the last inquiry made by the National Society in 1837), to schools, 17,941; scholars, 1,000,087.

I think, now, that your Lordships will say that the imputations on the clergy, of having been negligent in the education of the poor, or of having wished to keep them in ignorance, is totally without foundation. But, then, they are charged with bigotry for educating children only in the principles of the national faith. And is it to be expected, or is it consistent with reason to expect, that they could act in opposition to their own principles — to the doctrines of the church of which they are members? Professing, as they do, a religion the most free from corruption, the most sacred in its morals, and in every way the most calculated to meet the spiritual wants of persons of all classes, could they have opened the door to another system, and have educated the children in principles that are opposite to their own? I conceive that this charge is neither fair, nor well founded. On the contrary, I should say, that although they confine the instruction which they deliver to the doctrines and precepts of their own church, yet they are by no means exclusive, — for they admit children of every description into their schools; no one is excluded. It may be said, perhaps, that they insist on the children being taught according to the principles of the established church; but in that I think they are right; and the advantage of admission to these schools has been thankfully accepted by many Dissenters, and may be conscientiously accepted by all Dissenters who are usually called orthodox, — there being nothing in the Catechism, or the Creed, that can be considered offensive to any denomination of Christians. I conceive that the most conscientious Dissenters cannot object to their children going to these schools. They have allowed their children to attend these schools, — and do so still. There are only one or two points in which some slight exceptions are made, but they cannot affect Dissenters. The great object is, that of giving to the church the means of making the children attend the parish church; but if their parents take them to any other places of worship, they are not refused permission. This has been done in some of the large schools in London; and at the present moment there is a school in Westminster, where there are upwards of forty Roman Catholic children, who go on in unanimity with the other children. I do not see, either, why that should not be; because every expression which has been found in any former liturgy, contrary to the Romish church, is not found there now, having been removed by the good sense of those excellent persons who reviewed it. I trust, therefore, I have sufficiently defended the clergy from the imputation of bigotry. They have opened their schools to all classes, and have gone as far as they possibly can. It appears (with respect to what the church has done towards education) from the public Returns which were made in the year 1833, that the exertions of the clergy of the established church in the education of the children of the poor, exceed those of the Dissenters to a degree which I am almost afraid to mention. I will take a lower calculation than is made in the Returns, themselves, and take one which has been made by a very eminent person, who says that the number of children educated by the church is as 20 to 1 compared with those educated by Dissenters. But, at the same time, it is not to be supposed that the great body of Dissenters is so much without education as this calculation would imply, because a great number of Dissenters are educated in the schools of the church, and so far swell the number instructed by the church. Still, however, there is a very serious deficiency of education in this country. Whatever is the estimate made in the public Returns, yet I have seen very different statements, both as to the number of children educated, and as to the proportion of those who receive education, to the whole body of the population of this country. Those calculations are so uncertain, that I will not trouble your Lordships with them at present; but, undoubtedly, there is a great deficiency of education in this country. No one has done more to supply that deficiency than the members of the church, or that society of whom I have before spoken, who may be considered as the great organ and in-

strument of the church. Though there is a vast number of schools in connection with the church, who have no connection with that society, yet they have always been most anxious to reduce the deficiency, and introduce education more extensively. Within the last year, and also during the present, they have been making the greatest exertions; and I trust that those exertions will be attended with a considerable degree of success. The friends of the church, too, have come forward in a manner that does credit to their zeal; and I trust that their object will be realised in a very high degree. It has been proposed to establish diocesan schools, in which proper teachers may be trained,—for there has been long found a want of proper schoolmasters, — in every diocese or association of dioceses, according to the wants of any diocese; and I hope that a good effect will follow from that plan. I hope, under the direction and superintendence of the bishops and chapters, to establish schools in every parish or every district where they may be conveniently established, which shall be under the immediate care of the minister of the parish, so as to afford to the whole of the agricultural population the benefits of religious and moral instruction. It is also proposed to establish a system of inspection of these schools, which may insure uniformity in their proceedings; and I look to see that system so far carried into effect, that every good clergyman will consider himself as much responsible for the conduct of the school in his parish, as he now does for the performance of the clerical duties of his church. At the present time, if a clergyman absent himself from his parish, and neglect the performance of his duties, he is subjected to great reproach; and I trust that the day is not very far distant, when the same thing will be said of the clergyman who shall neglect the school which it may be his duty to superintend. Now, considering the relations in which the church stands with respect to the state, — considering the number of its members,— considering the purity of its doctrines, the excellence of the morals which it teaches, and its tendency to promote virtue and order amongst the people, and obedience to the laws of Government and the state,— I think, that if she look up to the Government for support, it is with a claim that can be hardly resisted. And I should say, at this time, that Government might have so much confidence in the church, as freely to trust the education of her own people to the ministers of that church, under such control as I have before alluded to; and that they (the Government) should abstain from all interference with, at least, the religious teaching of the poor. I conceive, that whenever a grant of public money is made, the public have a right to know that it has been properly applied; and I am satisfied that the public would be contented, if they knew, that with the money which they have granted, secular education is properly supplied to the people, — leaving the religious instruction in the hands of the church. But is that an assumption by the church? — an arrogation, or taking into its own hands all control of all education in the country? The church never advanced any pretensions of that kind. I will not venture to say that injudicious language may not have been occasionally used; but I would appeal to the consciences of the clergy in general, whether, with respect to the grant of 20,000*l.*, which, of late years, has been given by the Government, very laudably and liberally, to the schools connected with the National School Society and the Lancasterian School Society, they have ever complained of the share which the Dissenters in the Lancasterian schools have had in that grant? They took the portion belonging to them, not only without complaint, but with thankfulness, and never inquired into the proportions in which it was to others distributed. They were satisfied with the grant, considering it as a temporary expedient. Lord Althorp said, when he brought forward the resolution, that he proposed it only as an experiment. It is an experiment, however, which has succeeded extremely well; and the money, as far as it went, has been most usefully expended. It was considered, then, as an experiment, — as a temporary expedient, — and no better could have been imagined, as such; but, at the same time, the period was looked forward to, when a permanent system would be established by Parliament, — when a plan of national education would be definitely settled. It was conceived that the whole matter would be referred to the consideration of the Legislature, and that the liberality of Parliament would be, as it had before been, distributed equally to all who might be entitled to it. They now, however, see a different system about to be carried into operation; and your Lordships can hardly be surprised if they view this new system with considerable jealousy, and if they feel much dissatisfaction at the proceedings of the Privy Council in the matter. They look upon the plan proposed, as laying the foundation of a permanent system of education, without the approbation of Parliament. They see the establishment of a board composed exclusively of her Majes-

ty's Ministers, who are invested with very extensive powers, and with the disposition, as it appears, to introduce many innovations, not by an act of the Legislature, but through the application of a grant made by the other House of Parliament; and from any deliberation on or control over which, your Lordships' House is altogether excluded — excluded, too, on a matter which concerns, so much, the happiness of the people. These things, I say, the friends of the National School Society and those of the British and Foreign School Society look upon with a very natural jealousy. They view, with no little alarm, the extensive and extraordinary plans of education which are entertained and promulgated in various quarters. They see, in one instance, systems of education propounded, from which religious instruction is entirely excluded. In another, they behold a system of general education, out of which all creeds and catechisms are banished, and which leaves the religious instruction of the children to be carried on at home according to the views of those under whose domestic care they are placed. There are various plans and methods proposed for carrying into execution what is called a "liberal" system of education, without the intervention of Parliament. In proof of what I have said, I will read an extract from the Report of a society proposing extensive plans of education. In reading this, I by no means intend to impute to the Privy Council, or to the committee it has appointed, a concurrence in the views which this society entertains; but I would read it to show the mode in which certain parties think that general education should be carried on, and the kind of superintendence which ought to be established over it; in a word, to show what is expected from the Privy Council or the Government in certain quarters. The extract is as follows: —

> Some have said that all hope of amending the present state of things must be far distant, in consequence of the nicely balanced state of parties. Perhaps some years must elapse before a Bill for national education, such as the people of this country ought to demand, will pass the House of Lords; but a Bill for national education is not at the present moment a *sine quâ non*. Ministers have the power in their own hands, assisted by a simple vote of the House of Commons, of extending indefinitely the number of schools, and of commencing a reform in those which already exist. Nothing more is required than a Central Board of Education, composed of fit men (whom the Crown may appoint), with the same power over the annual Government grants for educational purposes that is now given to the Lords of the Treasury. 20,000*l.* are now voted every year in aid of building school houses, which, when erected, merely serve to deceive the public into the belief that education is advancing, when really it is making little or no progress. Suppose the same money given only on condition that the school established should be conducted on a plan likely to be effective; and how different would be the result from what we see at the present moment! Let there be a model and normal school for training properly qualified teachers. Let the central board have power not only to aid in building school houses, but in supporting good schools when established, and the way would be gradually paved for a more comprehensive measure. The power of withholding an annual grant, of however small an amount, from an ill-conducted school, would be quite formidable enough to cause their authority to be respected; and the power of giving pecuniary assistance, however limited, would be quite sufficient to induce by degrees all the mismanaged charity schools now existing to place themselves under the board. The plan is simple and feasible; nothing but resolution is wanting to effect the object,— not in a moment, but by such steps as would be at once safe and certain. Let no one imagine that the work of educational reform can be effected without centralisation. Without a central board, armed, not with despotic powers calculated to irritate and influence the public mind, but with sufficient power to make it the interest of all persons connected with schools to adopt improved plans of instruction, little or nothing can be accomplished. An individual might waste a life in reasoning with schoolmasters and mistresses, appealing to committees and their secretaries, and canvassing subscribers, without succeeding in changing the character of more than half a dozen schools throughout the country; but a central board, operating by means of an establishment for training teachers, and annual grants, might in a short time produce a change that would appear as the effect of magic.

Now, I repeat, that I am not so absurd as to attribute any designs of this nature to the Board of Privy Council; but I read the passage to show how power, lodged in the hands of men who may be anxious to throw overboard the church, may be used. The party to which I allude will, no doubt, if they can, nominate a board to their mind, and not have it to consist of the Noble Lord the President of the Council, or perhaps any of those of whom the Committee of Privy Council is composed; but if they can get a board to meet their views, it will not be difficult to guess how it will use its power. I will now call the attention of your Lordships to the papers which have been laid before the House, with the view of showing you that I do not at all exaggerate the power which is to be given to the Board of Privy Council, and what may be its effects if it be not lodged in safe hands. I feel the necessity for going back a little to some of the educational grants by Government, which will be found in the papers; and I wish particularly to direct your Lordships' attention to the restrictions under which Lord Althorp,

the then Chancellor of the Exchequer, thought the grant of 20,000*l.* ought to be applied to schools. The resolutions of the Treasury minute (of 30th of August, 1833) are in effect a transcript of what was said by Lord Althorp on that occasion.

The Chancellor of the Exchequer, feeling it absolutely necessary that certain fixed rules should be laid down by the Treasury for their guidance in this matter, so as to render this sum most generally useful for the purposes contemplated by the grant, submits the following arrangements for the consideration of the board:—

1. That no portion of this sum be applied to any purpose whatever except for the erection of new school houses; and that, in the definition of a school house, the residence of masters or attendants be not included.

2. That no application be entertained unless a sum be raised by private contribution equal at the least to one half of the total estimated expenditure.

3. That the amount of private subscription be received, expended, and accounted for before any issue of public money for such school be directed.

4. That no application be complied with, unless upon the consideration of such a Report, either from the National School Society or the British and Foreign School Society, as shall satisfy this board that the case is one deserving of attention, and there is a reasonable expectation that the school may be permanently supported.

Your Lordships here see the restrictions proposed by the Chancellor of the Exchequer of that day, and which were literally complied with in the Treasury minute, — namely, that no portion of the grant should be applied to any purpose whatever but to the erection of school houses, and that no grant should be made, unless half the estimated expenditure were raised by private contribution. It is also well known, that the grants were then confined to the National School Society's schools, and to those connected with the British and Foreign School Society. The subject was again brought under the consideration of the Treasury in 1834; and it appeared, from the Reports of the National Society and the British and Foreign School Society, that 62 schools had been established, containing 12,191 scholars, at a total cost of 19,380*l.*, and with an appropriation from the Treasury of 8280*l.* The Treasury minute of March 7. 1834, added, —

My Lords have the satisfaction of perceiving that there exists throughout Great Britain the utmost anxiety that the funds provided by Parliament for the purposes of education should be made generally useful, and that private charity and liberality, so far from being checked, have been greatly stimulated and encouraged by reason of the public assistance afforded on the principles laid down in their minute of the 30th of August, 1833. . . . Under these circumstances, my Lords feel themselves compelled to adopt a principle of selection; and after some consideration, referring to the principles already laid down by them, they have decided upon granting aid, in the first instance, to such schools as are intended to give accommodation in each to 400 scholars and upwards, — considering that by such means the funds placed at their disposal by Parliament are likely to be expended with the greatest public benefit.

The total number of scholars at that time in the schools of the National Society was 10,674, and in those of the British and Foreign School Society 7500; and the Lords of the Treasury felt so satisfied at the distribution of the sums already voted, and with the extent of private contribution, that they considered they might safely recommend to Parliament to grant a further sum of 20,000*l.* for this service in the then ensuing year, to be applied on the same principle as the former grants. In the Treasury minute of the 5th of July, 1838, the Chancellor of the Exchequer promised to submit more detailed information to Parliament than had yet been obtained, with respect to these schools, towards the erection of which grants had been made by the public. For this purpose he suggested that the National School Society and the British and Foreign School Society should be invited to direct an inspection to be made of the several schools which they had recommended to the Treasury. To this there could be no objection. Undoubtedly, where the public money had been applied, those Ministers of the Crown by whom the grants had been made had a perfect right to see that they were properly appropriated. Another suggestion of the Chancellor of the Exchequer was, that model schools should be erected for the instruction of teachers by both societies, provided that suitable plans for carrying those intentions into effect should be submitted to the Treasury and approved of; and "provided that the principle of private contribution, already laid down and carried into effect by previous minutes of this board, were strictly adhered to." Here, then, the principle of private contribution was adhered to, and also that the preference should be given to the National Society Schools, and those of the British and Foreign School Society. This, your Lordships will bear in mind, was on the 5th of last July, just one year from this day. I now come to the Order in Council of the 10th of April, in the present year, by which it was declared by her Majesty in council, that the Noble Marquess, President of the Council, Lord Privy Seal, the Secretary for the Home Department, and the Chancellor, should be appointed a committee to superintend the

application of any sums voted by Parliament for the purpose of promoting public education. I know not if there was any objection in principle to the committee appointed, but I should have thought that the Lords of the Treasury were just as competent to judge of these matters as the Noble Lords named. In fact, they had all strong claims on their time and attention, from the demands of important public business. This Committee of Privy Council consisted exclusively of her Majesty's Ministers; and I must, without disrespect, say, that they were chosen without the slightest regard for their fitness for the duties they were to perform. Now, when it is known that there are two archbishops and one bishop also members of the council, I do think it rather strange that, in the selection of a committee for such a purpose, they should have been altogether overlooked; but the fact is, they were not only not selected, but they were not even consulted on the matter. When those eminent persons were appointed, they drew up a minute, which was to this effect: —

> To found a school in which candidates for the office of teacher in schools for the poorer classes may acquire the knowledge necessary to the exercise of their future profession, and may be practised in the most improved methods of religious and moral training and instruction. . . . This school to include a model school, in which children of all ages, from 3 to 14, may be taught and trained, in sufficient numbers to form an infant school, as well as schools for children above seven. . . . Religious instruction to be considered as general and special.

In the first instance, they observed that there was to be a training of the teachers, who were to be the founders of all instruction, and from whom the children would have to derive their knowledge; and there was also to be a model school for children, — which meant, of course, a school which was to be the model of all schools throughout the country. I can find no other interpretation for that term. Then comes a most remarkable article relating to "religious and moral training and instruction," which is brought very prominently forward; and that religious instruction is to be considered as "general and special." I must say that I should be at a loss to explain what is here meant, if I were called upon. There is also a complaint that the convicts in gaols are not instructed in the "truths of natural and revealed religion." I suppose that "general instruction" means "natural religion," and that "revealed religion" may mean the "special religion."

VISCOUNT MELBOURNE. — No!

The ARCHBISHOP of CANTERBURY.—The Noble Viscount says "No!" but, however, that is the most obvious interpretation I can put upon it. Then I wish to know if any Noble Lord can tell me what is the meaning of "general instruction in Christianity," and in the truths of the revealed religion? What is it but instruction in the peculiar truths of religion? In fact, the whole of Christianity consists of peculiar truths, — of truths, many of which are contested by various denominations of Christians, and which would have been considered unorthodox in the primitive ages of Christianity. There is no such thing as instruction in Christianity, without instruction in its peculiar doctrines. Next, as to the minute, — "Religion to be combined with the whole matter of instruction, and to regulate the entire system of discipline;" I am still at a loss to understand how this principle is to be carried into effect. Then there are to be "periods set apart for such peculiar doctrinal instruction as may be required for the religious training of the children." . . . "To appoint a chaplain to conduct the religious instruction of children whose parents or guardians belong to the established church." . . . "The parent or natural guardian of any other child to be permitted to secure the attendance of the licensed minister of his own persuasion, at the period appointed for special religious instruction, in order to give such instruction apart." This is educating together children, whose friends are of various religious faith, and is giving a confined education on religious matters, which I do not believe could be conducted to the satisfaction of any party. The same plan was tried and abandoned in Prussia, and for the very best of reasons, — that it would not do to have different divisions of children taught different systems of religious education in the same school. In some of the German States a system of education was tried in schools which comprehended children of all denominations, even Jews; but the inconvenience which arose from that system of religious education was such, that, in many instances, an alteration was adopted. With respect to the Prussian schools, in the first instance, little attention was given to religious instruction; but they found that this most necessary matter of instruction was very much neglected in those schools, which was the cause of complaint; and the children are now under the superintendence of their several religious teachers. I be-

lieve that, in many instances, in agricultural parishes, dissenting ministers may, under these regulations, intrude themselves into the schools, and the clergyman of the parish will not be able to maintain his authority in those schools. Then there is a minute, —

To appoint a licensed minister to give such special religious instruction, wherever the number of children in attendance on the model school belonging to any religious body dissenting from the established church is such as to appear to this committee to require such special provision.

I apprehend that, when such a regulation was formed, the number of sects in the country was not taken into consideration. Let your Lordships consider what must be the confusion induced in the minds of the children, when four, or five, or eight different forms of religion are being taught in one school? It is essential for the teaching of religion, that it should be taught with authority. In this instance, the teaching of religion is not an appeal to the reason. You do not appeal to the reason of the child, you teach him on authority; you say, "Such and such is the truth, and such and such is the word of God; such and such is the rule of morality;"—and the child receives it, as children do all other instruction, implicitly. But if, at the same time, there are other six, or eight, or a dozen different opinions being propounded on the subject, what must be the result? Will it not be to lay the foundation of a general scepticism? It must end in upsetting all religion, or an indifference to all. Those duties and those moral precepts will be rejected, which it may suit the convenience of the learner (who may suppose that they are without sanction) to disclaim. Then there is a minute, that —

The religious instruction of all candidate teachers connected with the established church to be committed to the chaplain, and the special religious instruction to be committed (in any case in which a wish to that effect is expressed) to the licensed minister of the religious persuasion of the candidate teacher, who is to attend the school at stated periods, to assist and examine the candidate teachers in their reading on religious subjects, and to afford them spiritual advice.

Then there is a minute, —

To provide accommodation in the model school for at least 450 children, who should lodge in the household,— namely, 120 infants, 200 boys and girls receiving ordinary instruction, and 50 boys and 50 girls receiving superior instruction, and 30 children probably absent from sickness or other causes. . . . To establish a day school of 150 or 200 children, of all ages and both sexes, in which the candidate teachers may realise the application of the best methods of instruction, under the limitations and obstructions which must arise in a small village or town day school.

I apprehend that great mischief will arise from this. I observe, also, an omission here; — there appears to be no provision whatever for the education of the girls; there are no female teachers. It is very true that the plan is not proceeded upon. These resolutions were founded on a Report presented to her Majesty in council. Why have they been superseded? I need hardly, on that topic, proceed to make the observation, which, however, I shall find it necessary to make on the last Order in Council, to show that. But these resolutions will prove the opinions of the Committee of the Council: their opinions are represented in these resolutions, superseded by a subsequent Report. I now have to proceed to a "Copy of an Order in Council approving of the Report of the minute and Order in Council approving of the Report of the Education Committee of the 1st of June." The following is the Report: —

The Lords of the Committee recommend that the sum of 10,000*l.* granted by Parliament in 1835, towards the erection of normal or model schools, be given in equal proportions to the National Society and the British and Foreign School Society; that the remainder of the subsequent grants of the years 1837 and 1838, yet unappropriated, and any grant that may be voted in the present year, be chiefly applied in aid of subscriptions for building, and, in particular cases, for the support of schools connected with those societies; but that the rule hitherto adopted, of making a grant to those places where the largest proportion is subscribed, be not invariably adhered to, should application be made from very poor and populous districts where subscriptions to a sufficient amount cannot be obtained. The committee do not feel themselves precluded from making grants in particular cases which shall appear to them to call for the aid of Government, although the application may not come from either of the two mentioned societies.

This Report removes the responsibility from the subscribers, and throws the responsibility of affording instruction on the discretion of the Committee of the Privy Council. The committee repeated their opinion —

That the most useful application of any sums voted by Parliament, would consist in the employment of those moneys in the establishment of a normal school under the direction of the state, and not placed under the management of a voluntary society. The committee, however, experience so much difficulty in reconciling conflicting views respecting the provisions which they are desirous to make in furtherance of your Majesty's wish, that the children and teachers instructed in this school should be duly trained in the principles of the Christian religion, while the rights of conscience should be respected, that it is not in the power of the committee to mature a plan for the accomplishment of this design without further consideration, and they therefore postpone taking any steps for this purpose until greater concurrence of opinion is found to prevail.

I ask whether a discretion is not here granted to the committee? A very undefined discretion is left to this committee, which may (I will not say that it will) be very grievously abused; and I cannot wonder that a great portion of the Protestant Dissenters, who swell the mass of religionists unconnected with the church in this country, should feel alarmed by the giving of this discretionary power to the committee; more especially when it is connected with what follows: —

The committee recommend that no further grant be made now or hereafter for the establishment or support of normal schools, or of any other schools, unless the right of inspection be retained, in order to secure a conformity to the regulations and discipline established in the several schools, with such improvements as may from time to time be suggested by the committee.

The great proportion of the people of this country are of opinion — and I must say I agree with them — that here is a power granted to the committee, which ought not to be placed in the hands of any number of men without direction, and which certainly ought not to be placed exclusively in the hands of members of her Majesty's Government. What security is there that this power may not be made, in process of time, the instrument of political prejudice, or be wielded with some improper motives? Who may say that the committee will not yield to political influence which might be exhibited, and which, perhaps unknown to the members of the committee themselves, might have an effect upon their minds? I entirely concur in these apprehensions and fears; and, what is more, they naturally arise, I contend, when we see that the whole scheme has been formed with the deliberate intention of excluding your Lordships from the expression of any opinion upon, or the exercise of any jurisdiction over, the religious education of the people, — that which affects their best interests, and influences their moral feelings. Is not a subject of this kind a proper subject for parliamentary discussion? Is it only one branch of the Legislature which is fit to legislate upon it? Many of your Lordships have particularly directed your attention to this subject; and you are all qualified to judge on it. Are you to be shut out from all participation in regulating this matter? Is it consistent with the respect that is due to this branch of the Legislature that you should be so? Is it consistent with respect to the Lords spiritual and temporal? — to the heads of the church? This is the only House in which the church is represented at all by her ministers. I am sure that your Lordships, whatever may be your political sentiments, will agree with me in this, — that the ordinance of religious instruction for the mass of the people of this country is with cthe hurch, — that the Sovereign is the head of the church, and bound by the most sacred obligations, — that all the advisers of the Sovereign are under the same obligations not to advise her Majesty to anything which can be prejudicial to the church of the establishment; and, indeed, to do so is the greatest impolicy, with respect to the interests of the people, who they can hardly venture to say can be better instructed than by the ministers of that establishment. If the church do not teach the true doctrines of our holy religion, — if it do not inculcate pure morals, — if it do not insist upon deference being paid to the laws and to the authorities of the country, — if it do not inculcate loyalty to the Sovereign, and the performance of every Christian duty, — then is it, truly, unworthy of your Lordships' support; and you must, in that case, look to some other source of religious and moral instruction, and cast off that church which fails in attaining those objects which are looked for, and for which all religious establishments are formed. I say, again, if that be the case, let us look to some other source — let us look elsewhere — for religious instruction. But since that cannot be said, it is the duty of the Crown — it is the duty of the Government — to advise no measures which shall be to the prejudice of the church; I do not say to interfere with its temporalities, but which shall diminish its salutary influence over the people. But I say our first object ought to be, to maintain and extend the religion of the state, — that religion which is devised for the instruction of the great mass of the people in this country, — that establishment which is responsible to the state for the proper performance of its duties. When the public money is granted for religious purposes, I do not say that assistance ought to be withheld; but I do say, that whatever is done with respect to religion ought to be done without any party or political consideration; that sums of money which are given, not to the just claims of Dissenters, but which are bestowed with such an aim as to promote dissent, are not given in consistency with the principles of the constitution. I certainly conceive this to be the first consideration. That the grant will have that tendency, I hold to be likely from the nature of dissent; and

from the understanding of the great mass of the people, who will always comprehend one another better the more they agree in religious sentiments. But, at the same time, I would not be understood to say, that some consideration ought not to be had for those who religiously dissent from the doctrines of the established church. For those who religiously dissent from the establishment I feel great respect; for political Dissenters from it, I feel none whatever. But while I state my opinion that due consideration ought to be had for the claims of the Dissenters, this is all I say: for I contend that the claims of the Dissenters are not superior to those of the church; and that all the questions which relate to the united education of the people of this country ought to be submitted to the deliberation of the whole of the Parliament, and that it is not right to exclude your Lordships from any opportunity of considering such questions. I think that the people of this country will be inclined to look with much more confidence to what is approved by your Lordships, than to what rests solely on the decision of any one branch of the Legislature, although it may be the most powerful. In this remark, I do not mean to speak of that body with any disrespect. With the resolutions I have given notice of my intention to move, and which were sent round to your Lordships in the morning, I trust your Lordships are familiar; and I will now read the first of them, which is as follows: —

1. That this House has had under its consideration the various documents which have been presented by her Majesty's commands respecting public education, including those which refer to the application of public money in former years in aid of the building of school houses in connection with the National Society and the British and Foreign School Society; and also the letters of the Secretary of State and the President of the Council of the 4th, 6th, and 9th of February, respectively; the Order in Council of the 10th of April, appointing a Committee of Council; the minutes of proceedings of that committee, of the 13th of April; and the Report of the same committee, of the 3d of June.

I now beg leave to move the adoption of that resolution.

The MARQUESS of LANSDOWNE. — In the situation which I have the honour to hold, as one of that Committee of the Lords of the Privy Council who have recommended to her Majesty that plan of education which has formed the subject of the Most Reverend Prelate's speech, and having been appointed on that committee, certainly, — as the Most Reverend Prelate said, without, I am sure, meaning the smallest disrespect, — without reference to my fitness for the task, but solely with reference to the political situation which I hold as President of the Privy Council; I am in hopes that your Lordships would not think it unnatural that, even in this early stage of the debate, I should offer some remarks to your Lordships' consideration. When the Most Reverend Prelate gave notice of the motion which he was about to make, I listened with great anxiety, — with anxiety mixed with concern, — as considering the notice to contain an intimation that the Most Reverend Prelate disapproved of the course which has been taken by the Committee of the Privy Council; but I listened also with anxiety mingled with satisfaction, inasmuch as the notice of the Most Reverend Prelate's intention to bring forward a motion on this subject, insured to me, to this House, and to the public, the opportunity of hearing a distinct statement of what are the objections felt on the part of the church to this measure, — a statement which every one may rely on, as being clear, full, and distinct, and freed from the exaggerated views with which the question has been surrounded under the unexampled licence of misrepresentation which has pervaded and has disfigured much of what has been put forth on the subject out of doors. I have not been disappointed in this expectation; for, though much of misapprehension remains in what has fallen from the Most Reverend Prelate with respect to the ground on which he objects to the plan, it must strike your Lordships that the objections of the Most Reverend Prelate were stated in a manner of which neither I nor any other man is entitled to complain. I will add, too, that the speech of the Most Reverend Prelate combined with those objections, in many parts of it, sentiments which it gave me great satisfaction to hear, and which, happily, will be recorded on this occasion. As to the opinions of those who have spoken of what ought to be the connection between the established church and the education of the people, — as to those opinions set forth in the terms in which they have been set forth out of doors, — I greatly differ from them; — with those opinions, as I understand them, as brought forward by the Most Reverend Prelate, I, in part, agree. No man can be more convinced than I am, that it is the duty of the established church to take charge of the education of all those who belong to the body of the establishment. I hope to see the cares arising out of that duty, vigilantly, carefully, and I should not

doubt, successfully, extended to all persons of that persuasion; but when I see it stated, at public meetings out of doors, that the Church of England are charged — and ought to be charged — with the religious education of the people at large, I have a right to ask from the Most Reverend Prelate an explanation of what I have, in part, I believe, already understood and gathered from the Most Reverend Prelate's speech: a clear and distinct explanation I have a right to ask, in order that I may understand distinctly, whether or not the established church claims the right to the education of the people, — not only of such as live within her own pale, but also of such as, in considerable numbers, — (unfortunately, as I think) — dissent from the doctrines of the establishment to the amount of some millions.

There are some preliminary points connected with this part of the subject, with which it is particularly necessary that your Lordships should deal, before you stir a step further, or pass any resolution affecting the annual grant for education, and which it is indispensable, therefore, should be clearly understood. One is, — whether or not the claim of the established church to educate the people extends beyond the pale of her own communion? I have, this evening, understood the Most Reverend Prelate most distinctly to state, that the claims of the established church do not extend beyond its own body. Another point on which your Lordships and the country ought to have a distinct understanding is, — whether or not it be the opinion of any Right Reverend Prelate, or of any other Member of your Lordships' House, that the just claim and right of the established church extend not only to the giving of religious, but also of secular, instruction? Another point which — before we agree to that powerful operation on the advance of popular education to which the motion points — we ought to ascertain is, whether we are not bound to go beyond what the Church of England has done in the way of secular instruction, and to take care that the secular instruction your Lordships agree to impart be of the best kind which can be obtained, by combining all the improvements — scientific and literary — that can be made available for the advantage and amelioration of the people of this country? As to the case of the large mass of persons who do not belong to the established church of this country, it is necessary for your Lordships and for the country to understand whether it is, if not incumbent upon, at least becoming and befitting, the state, to lend its assistance to improve the education of those persons? My Lords, I heard from a Right Reverend Prelate, on another occasion, a statement that he would give no opinion on this subject; but I have, since that, been glad to hear that that Right Reverend Prelate gave an opinion, on a late occasion, somewhat favourable to the general education of the people. But this must be distinctly the opinion of the Legislature; for though a single branch of the Legislature may not be of that opinion, the Legislature, as a whole, must announce its views, distinctly and unequivocally. This is my impression of the case; and I contend that, if your Lordships have an opinion of the propriety of making specific grants of money, in particular circumstances, for the purposes of education, — but if, having laid down for yourselves the maxim of having what I have heard called "a state conscience" on the subject of education, — if, I say, having laid down the rule of the subservience of education to the state religion, to a particular rule of faith, — your Lordships believe it to be a violation of your state conscience — (having laid down that principle to be best) — to hold out the means of education to others of your fellow subjects, who, though their doctrines and rules of faith may contain more or less of error, are, nevertheless, it should be remembered, members of the great Christian body, — I undoubtedly admit that your Lordships may signify, if you so please, your dissent from the plan of the Committee of the Privy Council; but, in so doing, you ought to recollect that there will not be one year in the last twenty, on which you would not have votes to recal, that have passed in various Parliaments, under different Administrations, composed of persons of very various political opinions, and which have no other basis but this, — that it is the duty of the state to educate all classes of the population who act the part of good subjects, — whether they be Churchmen, or be without the pale of that form of worship which has the sanction of the law, and, if your Lordships will, of their conscience. I shall be able to produce, in corroboration of what I have said, a vast number of instances of members of different Governments acting on different political principles, who have yet all concurred in acting on this principle as the basis of their measures respecting popular education. But, if your Lordships concur to this course, and undo all that has been done on this subject for so many years, then, in that case, the House of Commons has nothing left for it, but only to place

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n the hands of the Right Reverend Prelates of the church so much as the House may think proper to vote—if they can be brought to vote anything at all — for the education of those who belong to the established church in this country; and having done that, to relieve themselves of any further care or concern about the matter. But, till this be the course adopted, it would be right to ask that all the votes on education should be recalled, in which Parliament, acting on the general principle, has not refused, hitherto, to give the means of education to any who are good subjects. Till this course be adopted, too, I have a right to conclude that the principle is to admit the necessity of a vote for education, and that the manner in which it may be best applied is the only fair question open to Parliament.

I have heard the statement of the Most Reverend Prelate, with respect to the present condition of education in this country; but if the Most Réverend Prelate had not stated what he has, and fully admitted that the education of the people in this country was not in a satisfactory state, that fact might be proved from the accounts which come in from every quarter of the country; and it is my firm opinion, that there is a great deficiency of popular education; that the condition of the lower classes, as to this matter, calls for the attention of every good subject — calls for the attention of every real Christian — and calls for the especial attention of the Government and of the State. This, I know, must become the established opinion of every intelligent inquiring mind that applies itself to the question; and I find a very great confirmation of this opinion from a comparison of the progressive state of education in other parts of the world, and especially among those nations with which we most naturally compare ourselves,— I mean, the central nations of Europe. Since the peace, there is not an enlightened Government of Europe which has not made the education of its people one of the objects of its most earnest care; and this has been done by all other Governments of Europe, monarchical, constitutional, and republican, which have shown any regard for the interests of their subjects; and this has been going on from year to year ever since the period to which I have just alluded. It is quite true, my Lords, that, from the deficiency of means in this country, and from the deficiency in the organisation of everything that relates to internal administration, it is difficult to procure authentic statements of the statistics of education among us: nevertheless, great approaches have been lately made to accuracy in the statistics of education; and from these, I believe, it will appear that England, as compared with other countries of Europe, will show itself behind Germany, and behind Switzerland, in the amount of education which it gives to the people; and, I am inclined to think, behind France, in the quality of education; and, as I think my Noble and Learned Friend (Lord Brougham) will not doubt, behind Holland also. I believe that, if a scale of education were constructed, it would be found that popular education has, in one or two of the central states of Europe, reached its actual *maximum*, and that the number of children (of those requiring to be educated) who are educated there, is as one in every five or six children throughout the country. This is particularly the case in the kingdom of Wurtemberg, and in one of the cantons of Switzerland. Other high degrees of education prevail in other parts of Germany. In short, excluding Spain and Russia, and taking only the central states of Europe, England will come last in the scale, both as to the quantity and the quality of its secular education. While the proportion of those who receive education in Wurtemberg is one in every five or six, the proportion in England is one to every eleven or twelve, of the entire population. I believe, too, that greater care is exerted abroad to train the schoolmasters in normal schools; and I am happy to have the testimony of the most Reverend Prelate on this point, when I affirm that normal or training schools form a portion of the most important and valuable branches of any system of education that can be attempted to be carried into effect among a people. If this be the case, by the by, the Government were not so far wrong in making the attempt to establish normal schools; and I was glad to hear this opinion of the Most Reverend Prelate on the point,— although the Most Reverend Prelate said that the plan attempted was imperfect. To show the extent to which this part of the subject is attended to in other countries, I may mention that in Prussia there are thirty or forty schools for training masters, several in Holland, seven or eight in Bavaria. I will not specify more examples — I will only say that, from all I can learn, the character of the education given to the people is lower, here, than in any other part of Central Europe. There are no means of collecting perfectly accurate *data*; but whenever, from the nature of the circumstances, the means are afforded us of ascer-

taining the state and quality of education in any particular district,—whenever we have been able to "heave the lead," as it were—there has been brought up to view an amount of ignorance dangerous to society and disgraceful to the character of the country.

With respect to the agricultural districts, it was only accidentally that their peculiar condition was opened up, and the extent of ignorance, and of bad habits engendered by ignorance, among the rural population, was laid bare. Scarce a year has elapsed, since, in a part of the country near London, where schools are supposed to exist, or are described as existing in the Returns, — within the reach of those influences which might be expected to be most salutary, — I mean the county of Kent, — there has been an exhibition of folly, of credulity, of the absence of all instruction, of ignorance of all true religion, exposing the peasantry to be the ready dupes of one of the most absurd and wild fanatics who ever sought to practise on the ignorance of a people. I need scarcely remind your Lordships that in a part of the country where a certain portion of the inhabitants are receiving an imperfect education, this person, whom you will all recollect by the name of Thom, succeeded, in the course of a short time, in inducing the people to receive him, first, in the character of Mr. Oastler; next, in that of the King of Jerusalem; then, in that of the Earl of Devon; and, finally, I am sorry to say, in that of the Saviour of mankind,—whom he was fully believed to be by the inhabitants generally. So little did the imperfect system of education which existed in that district contribute to check the influence and authority of this individual, that of the few day schools which existed there, one was kept by a man who was enrolled among his most devoted followers, and afterwards by the wife of a person who was also his follower; and another was kept by the wife of a man who likewise followed his flag. It is vain to indulge in the opinion that such a state of things is peculiar, and that there are not many of the agricultural districts in which the inhabitants are quite as ignorant, and liable to be deluded. There are many parts which fell under my own observation, where nothing is wanting but the appearance of another Thom, or some such daring fanatic, to call forth a similar display of credulity. This is my own belief, and it must also be that of all your Lordships who have informed yourselves on these subjects. Efforts, I know, have been made to supply the existing deficiency on the part of the church, by many enlightened and benevolent individuals,—but efforts wholly incompetent to dispel the extraordinary amount of pervading ignorance. If, my Lords, such is the state of the agricultural districts, with how much more of apprehension do I turn to the spectacle presented by those great masses of manufacturing labourers, whom it is the nature of our social system to accumulate in towns, but for whom, unhappily, it has not yet been one of the objects of that system to provide any instruction. Great attention has been paid to the subject by individuals in the great towns of Manchester, Liverpool, York, and in the towns of the North of England generally. An incredible mass of ignorance has been revealed, unmitigated by even the most narrow and pitiful measure of instruction, and such as, surely, the most desponding person could not have previously dared to conceive! In four or five of these manufacturing towns, only, there are at this moment 80,000 children growing up without receiving the shadow of education. In Manchester, and several of the surrounding places, the proportion of persons who can either read or write is only one fourth, the remainder being in that condition of hopeless ignorance which ever prepares the way for those terrible outbursts of passion that shake the whole fabric of society. The events of the last two years contain fearful intimations of the temper of these masses of uneducated men. Your Lordships have witnessed what havoc the pent-up winds are capable of working, when any accident lets them loose from their dark caverns, to confound the peace and order of society, and to subvert the whole condition and healthy working of the state. When the abyss is sounded, the depths of ignorance are found to be such as I have described them; and there is but too much reason to fear that the mighty array of physical force may not always remain in a state of inert slumber, but may awake to convulse society and scatter terror and disaster over the land. We have no supernatural being on whom we can rely to control and restrain the rage of the tempest that is brewing, as the poet has fabled of the God of storms —

——— Mollitque animos, et temperat iras;
Ni faciat, maria ac terras cœlumque profundum
Quippe ferant rapidi secum versantque per auras.

In these 80,000 uninstructed children of different creeds, — if it be not a farce to talk of creeds in connection with persons in such an unhappy state,—your Lordships may see the rising Chartists of the next age. I declare to this House, and to the

public of this country, that if you neglect to supply that instruction which is so loudly called for, and to supply it in a proportion increasing with the increase of population, — you may repress the excesses of untaught violence by penal laws, but you will have no right to acquit yourselves of the guilt of having neglected to lead these misguided men into the way in which they should go, and to make them useful, respectable, and orderly members of society. I think I have now shown that the state of the people of England, in respect to education, is such as to necessitate the immediate interference of Parliament. Thus the question is reduced to a comparatively small compass; and all that is left to Parliament to determine is — the channel through which the influence of Government should be exerted in aid of the moral reformation and improvement of the people. So far as I have hitherto gone in the consideration of the various topics pertaining to this subject, I am happy to think that I have had what appears to be the assent of your Lordships, — and the assent, too, of the Most Reverend Prelate, and of the Right Reverend Prelates beside him. I have obtained, I think, your assent to my positions, — that the church has imposed on itself the duty of attending to the religious education of its own members, and has no right to claim to superintend the religious education of those who are not comprehended within its pale; — that there are, in this country, millions of men who are not members of the Church of England, but who contribute their quota to the general taxation, and are represented in the other House of Parliament, — that it is the duty of Parliament to interfere in behalf of education, — and to interfere in such a way as, while leaving undisturbed the right of the church to the religious education of its own flock, will insure that the rights of conscience as to those without its pale shall be respected. So far, surely, these rights ought to be respected, — that, while giving Dissenters the benefit of the improvements which have been, or might be, effected in the scheme of secular education, Government should not exact from them conformity to the rules of the established church. I was glad to hear the most Reverend Prelate say something in favour of the Protestant Dissenters. I could have wished, however, that the Most Reverend Prelate had not drawn a distinction between one class of Dissenters and another, who both rest their dissent on the dictates of conscience.

A NOBLE LORD. — The Most Reverend Prelate spoke of "political Dissenters."

The MARQUESS of LANSDOWNE. — Exactly. The Most Reverend Prelate's allusion to the Dissenters was characterised by liberality of feeling, but yet the Most Reverend Prelate drew a distinction between the political and religious Dissenters. What is it, I must ask, that establishes the distinction between religious and political Dissenters? What right has the Most Reverend Prelate to tell any man that his religious opinions are determined by considerations of politics, and no of conscience? Has the Dissenter a right to come into this House and look round its benches, not excepting the Right Reverend Bench itself, and say, "So many here are political Churchmen, — so many are religious?" On behalf of every one of the Queen's subjects, I claim the right of forming his own opinion, of expressing that opinion, and of adhering to his own religious tenets, without being subject to the censure of any other man of another persuasion for the motives which have actuated him. It would be most inconvenient to draw such distinctions; and I think that, on consideration, the Most Reverend Prelate would retract an expression, but for which the opinion he has expressed respecting Dissenters would do honour to his high character, and to the eminent station which he holds.

I come now, my Lords, to consider the manner in which the authority of the state should be exerted in furtherance of education; and this brings me to the particular consideration of the motion of the Most Reverend Prelate, in reference to the Order of Council which has been laid on the table, and which has excited so much animadversion. In adverting to the objections which have been taken to that document, I shall, with great respect to the Most Reverend Prelate, require the aid of the Most Reverend Prelate's magnifying glasses, to be able to discern, with any plainness, the grounds on which he rests those objections. In the first place, I must say that the Most Reverend Prelate's motion, though professing to be drawn from the document on the table, and to be a recital of facts, is — unintentionally, no doubt, on the Most Reverend Prelate's part — an incorrect statement of the facts. In the second resolution, your Lordships are invited to declare, — "2. That it appears, from the documents last mentioned, that a Committee of the Privy Council has been appointed, consisting exclusively of members of her Majesty's Government, for the purpose of considering all matters affecting the education of the people, and of superintending the application of any sums which may be voted by Parliament for that purpose."

Now, where, I ask, does the Most Reverend Prelate find this information? It is not in the Order of Council. I will tell the Most Reverend Prelate where he found the latter part of his resolution, or rather where it has been found for him, — for I am sure that the candour which always marks the Most Reverend Prelate's conduct would not have allowed him to insert the words if he had found them himself. They are contained in a letter of Lord John Russell's, and have been transferred from that letter to the Order of Council, which the Most Reverend Prelate has affirmed to be the Order appointing the committee. The words are not to be found in the Order of Council, but in a letter written long before the Order was made; but in the interim, when the propriety of appointing the committee of her Majesty's Ministers came to be considered, it struck me that the words were of too vague a character, liable to be misinterpreted, and involving the committee in a scope of action too wide for the functions of such a body. The advice I had the honour of giving to her Majesty on this occasion was, to confine the functions of the committee to superintending the distribution of the grants to be made by Parliament. Those words, therefore, were purposely omitted from the Order; and yet, upon those words a resolution is now founded, for the purpose of raising an argument that the committee have undertaken more than they ought to have done, — an argument of which, I admit, that the validity could not have been denied, had the words really formed part of such Order. My Noble Friend near me suggests that the Most Reverend Prelate only meant to state this as the intention of the Order; but, even supposing that to be the case, there is surely little fairness in ascribing an intention which does not appear from anything contained in the document itself.

Confining, then, the Order in Council to its proper object, — the appointment of three or four servants of her Majesty to dispense the grant voted by the House of Commons, — I wish to know from the Most Reverend Prelate, whether there be anything to prevent her Majesty, or the Lord Chancellor, as keeper of her Majesty's conscience, from dispensing a grant made by Parliament for a specific purpose? If that be granted, is there anything to prevent her Majesty — considering that the variety of his avocations must prevent the Lord Chancellor from paying that attention which is necessary to this subject — from calling to her assistance two or more of her other servants of the Council? My Lords, is it not most preposterous to object to the selection of her Majesty's responsible Ministers to superintend the distribution of money voted by Parliament? I readily admit, that, had a board been established, as was proposed originally in the letter of Lord John Russell, to take the whole subject of education under their superintendence, — one of the first things that ought to have been done would have been to appoint one or more, if not the whole, of the Right Reverend Prelates to be members of it. But it cannot escape your Lordships' reflection, that the moment such a board was appointed, the money voted being the money of the whole kingdom, and coming from the pockets of persons not members of the church, as well as of those who are, — one or more Dissenters must have been placed upon it. The justice of their claim to be placed there, no one could dispute. Instead of leaving the duty to one Minister, assisted by a secretary, and one or two clerks, it is now intrusted to two or more responsible Ministers of the Crown. These Ministers, I need not say, are accountable to Parliament; and if, in any one instance, the public money be proved to have been misapplied, it is easy for Parliament to rescind the resolution of the Committee of the Privy Council. Anything like a permanent settlement of a case similar to the present, I have never seen attempted either in this or in the other House of Parliament. When I state that this will be considered as an attempt made in a case delicate in the extreme, and surrounded by difficulties on every side, — in a case imposed upon the Government and the public with a full sense of all the obstacles which political and religious feeling will oppose to their progress; — I think that I say enough to show that a permanent settlement is, at present, quite out of the question; and if there be anything more than another to recommend the present arrangement, it is this, — that it is of a temporary nature, only; that it can be modified at pleasure; that it can be revised at any moment; and that it can be enlarged on any future occasion, if it be found to work well for the benefit and improvement of the people. So much for the objection against this plan, founded on the fact that a temporary Committee of the Privy Council is to distribute the funds granted by Parliament. But then comes another objection, — that a certain change has been made in the usual parliamentary grant, of which no notice has been given. But in what does the different constitution of the grant consist? Why, the persons undertaking the distribution of these

funds promise, that, the two establishments already in existence for providing education being considered in a peculiarly favourable light, they will investigate claims founded on special circumstances, and particularly with reference to the poverty of particular districts,— every such case being reported to Parliament, and the discretion of the committee being open, there, to be called in question, if improperly exercised.

The third objection made to the scheme is, that the grant is made in such a peculiar manner, as not to afford the House of Lords even an opportunity of voting upon it. Now, if there be any one thing established more distinctly in the practice of Parliament, particularly of late years, than another, it is, that grants of this nature shall be made in the House of Commons; that they shall be carried, by Address, to the foot of the throne; and that they shall be administered on the responsibility of Ministers. It has been said that the first grant of 20,000*l.* for the purposes of education is a new principle. Indeed! Then how does it happen that the Most Reverend Prelate has not objected to its being made? Have any of your Lordships ventured to dispute the right of the House of Commons to come, originally, to such a grant? No, not one. Year after year has this grant of 20,000*l.* been voted; year after year it has been voted without any objection being taken to it; and yet your Lordships are now to be told that the present grant is a novel proceeding, by which the House of Commons seeks to put aside the constitutional privileges of this House. The Most Reverend Prelate may perhaps say that there are particular circumstances connected with this grant, which distinguish it from all other cases. Now, I contend that there is not, in the grant, even the appearance of anything like a proposition to withdraw aught from the church. There is, therefore, no special case which renders it necessary for the House of Commons to proceed by Bill instead of resolution, and to send up that Bill for the approbation of your Lordships. I am sure that there are precedents of high authority to justify the course now pursued. In the year 1829, the House of Commons came to a vote, by which all the grants previously made to the bishops of Ireland for the administration of schools in that country in connection with the church, were placed, thereafter, at the disposal of the Lord Lieutenant for the time being, and were to be applied generally, without distinction of sects, for the purposes of education. Is that so, or is it not? If it be so,—and it will be difficult to deny it,—they are guilty of an attempt to delude and to deceive your Lordships, who say that it is a novel mode of proceeding, and without precedent, to act upon a grant on which your Lordships have no means of pronouncing an opinion. There are, however, cases of grants which have gone far beyond the grant to which I have just referred. There are grants for our colonies in America, for our West Indian Islands, and for our settlements in New Holland; all made upon the express understanding that a portion of the funds so created should be allotted to the Dissenters, and that a system of joint education should be adopted for Churchmen and Dissenters indifferently. Your Lordships will find on your table a very able despatch from Sir J. Franklin, the Governor of Van Diemen's Land, detailing the difficulties which he had met with, and which he had overcome, in carrying a joint system of education for Churchmen and Dissenters into effect in that colony, and stating the very beneficial results which he had every hope of deriving from it. I hope that it will not be said by any of your Lordships, that this has taken place in a distant colony, inhabited by convicts, who require an unusual mode of instruction. Would to God that those persons had been instructed as they ought to have been in this country,—and then, in all probability, they would not have been forced residents in that penal colony! Who will venture to say, that if schools for general, moral, and religious instruction had been established in Manchester, in Liverpool, in Bury, in Salford, in Birmingham, and in our other large commercial and manufacturing towns, — and that if the population of those districts had been trained in such schools in good moral and religious principles—(no matter whether those principles were the principles of the Church of England, or of some sect dissenting from it),—who, I ask, will venture to say that many of the convicts now in Van Diemen's Land would not have escaped from their present cruel fate? Again, in the East India Company's charter, a particular provision was inserted for the purpose of enabling a joint education to be given to the children of various religious sects. Let me not, then, be told that it has been an unalterable principle of Parliament to exclude all sects of Dissenters from instruction, either general or special; and that its grants have been solely devoted to the education of children in the principles and doctrines of the established church.

I have thus touched on every objection which has been taken in the House of Commons to the minute now laid on your

Lordships' table. The plan of Government is this; — that instead of the funds being intrusted to the Chancellor of the Exchequer alone, they are to be intrusted to the Chancellor of the Exchequer, to the Lord President of the Council, to the Lord Privy Seal, and to the Secretary of State for the Home Department; that these officers, though they may give a preference to the schools of the National Society, and to those of the British and Foreign Society, are to have power to make exceptions from that rule, and to found schools, distinct from theirs, in such places as the poverty and population of the district may require that they should be founded; and further, that they shall have the right of sending inspectors to all the schools under their charge, for the purpose of seeing that the public money is properly disposed of and carefully administered. Of this plan, no part is, in my opinion, more unexceptionable than this wise provision of inspectors. I appeal to the experience of those Noble Lords who sat upon the Committee of Inquiry into the State of Education in Ireland, of which committee I had the honour of being chairman, — I appeal, I say, to the experience of those Noble Lords, whether they were not met at every step of their inquiry by evidence showing that some inspection of these schools, on behalf of the public, was absolutely indispensable to their success as a means of promoting education? I have the authority of the secretary of the National Society, and also of the secretary of the British and Foreign Society, — both of them, men of great sagacity and experience in education, — for stating that the inspection of the schools is at the root of all good. I could carry your Lordships through a long detail of the present condition of the schools in different parts of the country, and I could show in what a wretched state many of them are placed, owing to the want of this inspection. I have by me the notes of a member of the Church of England, who, from motives of benevolence, visited many of the national schools. His notes prove, that in some of those schools the scheme of education, though perfect in form, is so deficient in substance, that though all the children can repeat the Catechism, not one of them knows, or can explain the meaning of, many of the most ordinary words contained in it. I must also state, that it has come to my knowledge, that in some instances the Treasury grant has been misapplied, and has been directed to very different objects from those which were originally intended. "But," said the Most Reverend Prelate, "the appointment of these inspectors will interfere with the ecclesiastical instruction given in the schools." Will the Most Reverend Prelate forgive me for stating, that it never entered into the mind of any member of the Committee of Privy Council to use inspectors as agents to interfere, either directly or indirectly, with the religious education given in the schools? What the inspectors ought to interfere in is, the mere mechanical arrangements and improvements in education, — which any of your Lordships, who have visited the school founded at Norwood under the auspices of the Poor Law Commissioners, will see to be of the very first-rate importance; improvements which ought to be introduced into all schools, as they do not bear on any question of religion, but on a question which is of all but equal importance, — I mean the training up the scholars in those habits of discipline, of industry, and of employment, which ought to form part of every plan of general education.

I have now touched on every topic which I thought it necessary to notice. The Most Reverend Prelate has adverted to the first minute, which he must have known was laid aside, not so much in consequence of the general opposition which it met with out of doors, as of the difficulty of coming to an understanding on the conflicting opinions respecting the principles on which the normal school was to be established. I do not mean to depart from the principle that the establishment of a normal school is an important object; but this I must be permitted to say, on my own behalf, — that there is no intention in the minute of resorting to such a school, without first bringing it under the notice of Parliament. The very amount of the vote shows that there is no such intention; for the whole of it would be absorbed in the building of such a school, and in the arrangements necessarily connected with it. The Most Reverend Prelate also dwelt for some time on the distinction between general and special religion. The Most Reverend Prelate assumed, that by general religion was meant natural religion; and he then argued upon that assumption, as if the phrase "natural religion" was to be found where it was not — in the minute. If the Most Reverend Prelate wishes to know where the distinction between general and special religion was first taken, I will inform him. It was in a speech of Sir Robert Peel's. In proposing a grant for the maintenance of schools in Ireland, Sir R. Peel stated that he saw no reason why a distinction should not be drawn between general and special religion, and

why there should not be different persons to teach both in the same school. I therefore contend that there is not anything in the minute which ought to cause apprehension as to the conduct of Government. The minute will be administered in the frank spirit in which it was conceived, and with a view of promoting the moral and secular improvement of the people at large. I solemnly declare that I am as anxious as any of your Lordships to have the church preserved in all its rights. I feel that it is the duty of the church to superintend the instruction of all within its pale; but I am not, on that account, prepared to exclude from all chance of improvement any numerous class of her Majesty's subjects who are without it. Nay, more; as a Member of the Imperial Parliament, I feel bound to see that a grant made at the expense of all should be administered for the benefit of all. Her Majesty's Ministers intend to administer it so; and I will not voluntarily abandon the hope that this mode of establishing education throughout the country may be carried successfully into effect, consistently with the interests of the established church and the general prosperity of the country. I believe, my Lords, that Government is called upon to make this attempt to improve the education of the country; and I see no other plan of making it successfully, besides that which has been recently submitted to the consideration of Parliament.

The BISHOP of EXETER. — In presuming to follow the Noble Marquess in the eloquent speech which he has just delivered, and which was by far the best defence that has yet been offered for that system of education, — if system it can be called, — which has been adopted by the Government; I shall first address myself to the various questions which he has put to the Right Reverend Bench of which I have the honour to be a member. In attempting to answer those questions, I am anxious to have it understood that I am not speaking the sentiments of the Right Reverend Bench, much less those of the church at large. I trust, however, that I may be forgiven, if I venture to express my own individual opinions on the questions which the Noble Marquess has so propounded to the Right Reverend Bench. The first question which the Noble Marquess has asked, is this,—"Has the church a right to claim the education of the people at large, including that portion of them, amounting to many millions in number, who do not belong to the established church?" In proposing this question, the Noble Marquess suggests one, which, at first, appears perfectly clear and simple; but the terms in which it is couched raise matter of considerable doubt in my mind. I will, therefore, in answering the question, call for some information as to the terms of the question itself. When I am asked whether the church has a right to claim the education of the people at large, I answer, that I am not of opinion that the church has a right to claim the enforcement of any system of education on the people at large, least of all on that part of the people which does not belong to it. But the church has a right to demand of the state, — and if the church and state are prepared to do their duty, that demand will be answered, — the church, I say, has a right to demand of the state the means of offering education to them all, no matter whether they belong to the church, or not. God forbid that the church should compel them to take its system of education! But the church has a right to demand, that as the church, which the state acknowledges to profess the true religion, and whose duty it is to extend instruction to all within its pale, it should have the necessary means supplied to it. Then I ask the Noble Marquess to propose such a grant as will enable the church to educate all within its pale. Is the Noble Marquess prepared to do his duty in this respect? I will answer for the Most Reverend Prelate, for my other Right Reverend Brethren, and for myself,—that neither we, nor the clergy of our respective dioceses, will neglect our duty, if the state do its duty, as that has been — hastily and hypothetically, it is true, but still in some manner — indicated by the Noble Marquess himself. The next question which the Noble Marquess proposed to this bench was, — "whether the claim of the Church of England extends, not only to the religious, but, also, to the secular, education of the people?" My answer to that is, not that the church presumes to demand that it should direct the secular education of the country in secular matters; but it has a right to demand, and to receive from, the state, the means of sanctifying secular instruction, particularly as extended to those classes who must be assisted with the means of giving education to their children. Speaking, as we now are, mainly of the education of the poorer classes of her Majesty's subjects, I must say that I see very little need of secular education that ought not to be combined with religion. My Lords, I do not ask — God forbid I should! — that the poor man should not be permitted to make all the

acquirements in science which it shall please God to enable him to make; but, looking to the poor as a class, it cannot be expected that those who are consigned by Providence to the laborious occupations of life should be able largely to cultivate their intellect. If they could concentrate their views upon one great subject, — above all, if they could make the Bible the corner stone of all their learning — if they could learn history in order to illustrate the Bible — if they could master the various sciences, to the extent to which acquaintance with them is ordinarily carried by persons of that class, in order to appreciate the Bible, — I believe a larger portion of secular education would be acquired by them, than if they were cast upon the sciences, without anything scriptural and sacred whereupon to found their studies; that, in short, by making the Bible the foundation of all, and applying secular science to illustrate it, they would acquire a larger amount of knowledge than if trained in those schools where nothing but science is taught. A third question — an answer to which, I frankly own, seems to involve more difficulty than either of those which preceded it — is this; — whether or not it is lawful for the state to give its aid to those who do not belong to the established church? The difficulty of answering this question is somewhat increased by what appears to me a little difficulty in distinctly understanding the precise meaning of the Noble Marquess. Does the Noble Marquess mean to ask whether it is lawful for the state to give its aid generally to persons who do not belong to the church which the state recognises as teaching the truth? or whether the state is entitled to give instruction to others for the purpose of teaching them erroneous doctrines in religion? I cannot answer the question, unless I know in what way the Noble Marquess means it to apply.

The MARQUESS of LANSDOWNE. — My question is, whether it is fit for the state, under particular circumstances, to provide in the most effectual manner for the better and improved education of the people not belonging to the church?

The BISHOP of EXETER. — If I am, then, asked, whether the state is generally to assist in the education of persons who do not belong to the church recognised by the state, I would answer, most readily, I think it right that the state should give such assistance. But, if asked whether the state should give it specially in the way of teaching doctrines which the state believes to be false in religion, then I say, with equal candour, the state would depart from its first duty if it dared to do so.

The MARQUESS of LANSDOWNE. — I said the state should provide for the education, — I did not say for the spiritual and religious instruction, but for the secular education of the people.

The BISHOP of EXETER. — I am glad the Noble Marquess has given this explanation. I assent to the principle.

The MARQUESS of LANSDOWNE. — In England.

The BISHOP of EXETER. — Well, in England be it; although, if the principle were just in this country, it would not become unjust by crossing the water. This would be a more extraordinary mode of doing justice to Ireland, than I believe has yet been suggested. I am glad, however, to find that, on inquiry, the opinions of the Noble Marquess so far approximate to my own; and that as far as England, at least, is concerned, we are perfectly agreed. The Noble Marquess asked whether the education in England was in a satisfactory state? God knows, I think, it in a most unsatisfactory state. I think with the Noble Marquess, that there are myriads of our fellow subjects, of our fellow Christians, of our fellow heirs of immortality, left in the condition so eloquently depicted by the Noble Marquess. The Noble Marquess calls upon us to recollect the 80,000 poor children in Manchester and the neighbourhood, immersed in the very abyss of ignorance and vice; and he said, "If we leave them there, we may punish their crimes, indeed, but the guilt of those crimes would rest on our heads." There, again, I rejoice that I agree entirely with the Noble Marquess; but, then, I must carry my principle a little further back. I should say, if it were the duty of the state — as I most cordially and entirely agree with the Noble Marquess that it is — to rescue those unhappy persons from the tremendous position in which they have been left, — whose, I must ask, is the fault of their being so left? Is it to be attributed to the neglect of the church? Has the church been the cause of that tremendous extent of misery which has accompanied the extension of our manufactories? Has the state been ready to assist the church in giving the blessed truths of the Gospel to those whom the state is most anxious to breed up and encourage in those very

occupations, which, if left to themselves, can only terminate in ignorance and vice of the most fearful character? No: never has there been such virtue in the state of England since the Reformation. I grieve to say, that that illustrious and blessed era has not passed without some most grievous stains upon its brightness; and the greatest of all is, the niggard manner in which the state of England, since that period, has dealt out the means of spiritual instruction. Had the state then stood forward, and rescued from the grasp of a tyrant that ecclesiastical wealth which he applied to pamper his own minions, and at the same time to feed his own vices, there would have been, at this time, means by which spiritual instructors would have been provided for the instruction of a large proportion of those whose distressed situation has been so well described by the Noble Marquess. Not only, then — but at no period, since, with one great exception, has the state stood forward as she ought to have done upon this question. The exception to which I allude was afforded by the conduct of one of the best and purest of men, — whether, also, the ablest of statesmen, I do not affect to decide, — I mean Mr. Perceval. That excellent man, — that truly Christian statesman, — even at a time when our finances were most dilapidated, and when there were the largest demands upon our pecuniary resources, proposed a vote of 100,000*l.* for extending the means of spiritual instruction to the people, through the increase of small livings. That vote was continued for eleven years. Why was it discontinued? Because Parliament, after having, by God's blessing, been permitted to carry the country through the greatest dangers with which any country was ever yet visited, thought fit to cast off all recollection of its Almighty Patron, and, rather than continuing this boon for that blessed purpose, discontinued the 100,000*l.* — to its own lasting disgrace — even in the midst of peace. There are persons now present, not altogether guiltless of that error; there are some who are ready to complain of the tremendous destitution of religious knowledge in the manufacturing districts, who had some share in preventing Parliament from doing its duty in this respect. I hope, when such individuals recollect this, they will be willing to make the only reparation in their power, — a reparation which, by God's blessing, they may yet be able to make, — by giving additional means of church extension in this country. Without this, my Lords, it would be in vain to look for any benefit to be derived from those schemes of education which have been devised from time to time; without this, I will not say it is insincerity — I will not say it is hypocrisy — but I will say it is gross inconsistency, for the Noble Marquess, and those who think and act with him, to get up in this House, and speak of the tremendous destitution in the manufacturing districts, and even hint that it has in any degree been occasioned by the want of exertion on the part of the church.

The MARQUESS of LANSDOWNE. — No, no!

The BISHOP of EXETER. — I am glad to hear the Noble Marquess does not insinuate that it is owing to neglect on the part of the church. My Lords, I do not wish my observations to be taken as exclusively applicable to any Government, — they apply to Noble Lords opposite — highly as I honour them — in a greater degree than to Noble Lords on this side of the House. They commenced this deplorable desertion of the highest duty of the state: and if they wish to retrieve themselves, they must retrace their steps, and take care that there be a clergyman in every part of the country, ready to give instruction; and then there will be neither the same extent of religious dissent, nor of crime, which, unhappily, now prevails. The Noble Marquess alluded to the case of Sir Wm. Courtenay, and the circumstance of his obtaining so many deluded followers; which he justly attributes to the want of proper instruction. Other schemes might give a better result; but, undoubtedly, the plan of the Noble Marquess is liable to this observation; — if there had been one of his model schools in Kent, those misguided individuals who believed Courtenay, or Thom, to be inspired, would have chosen him as their teacher, if their numbers had been sufficient to come within the rule laid down by the Committee of Privy Council. I do not think the Noble Marquess has gained much by his reference to Sir William Courtenay. After the very able and lucid statement of the Most Reverend Prelate, I shall not detain your Lordships with many observations. The Noble Marquess complained of the introduction of words from Lord J. Russell's letter, as descriptive of the present system; but as that letter has been enumerated with the other documents mentioned in the resolutions, I cannot help thinking the objection — which has been taken in the shape of a verbal criticism, I suppose — a little beneath the Noble Marquess. It is important further to consider what is the precise state of things at present. No fewer than three plans of education have been in existence, under the authority of

her Majesty's Government, since the 1st of January, 1839; — first, the plan under the Treasury minute of the 3d of August, 1832; that was superseded by the measure of the 13th of April, 1839; and that has not been finally superseded by being placed side by side with the Order in Council of the 3d of June. I say it has not been superseded, — and why? It is quite plain, from the whole tenour of these documents, that all the views, explained in the Order of the 3d of April, are not only contemplated as possible, but cherished as most desirable to be carried into effect whenever opportunity may offer. The model school was stated as the very first thing the committee had to carry into effect. The Noble Marquess assented to this condition; and the Queen's sanction has been given upon this understanding. True, there may be inconvenience in carrying it into effect; — difficulties have arisen; but the House has not been told whether these difficulties have arisen in relation to schools, or whether they have proceeded from quarters much more difficult to get rid of. Under the appearance of withdrawing it, the scheme has been hidden in a mass of words; and thus the design has been covered from the eyes of the unknowing. If the difficulty has arisen from Parliament, it is quite clear that when Parliament ceases to sit, the difficulty will, at the same time, cease also. This, which the committee were so anxious to carry into effect, must depend upon a certain concurrence of opinion, of which they are to be the sole judges. Now, your Lordships will recollect that her Majesty has been advised to express her decided approbation of the course pursued by the Noble Marquess, from which you must be aware that the committee will carry into effect the purpose avowed, so soon as they perceive the concurrence of opinion assumed to be necessary for that purpose. I shall not, then, take upon myself to reply at any length to all the observations of the Noble Marquess; but there was one made by him in answer to the Most Reverend Prelate, upon which, perhaps, I may be permitted to make a remark; — it related to the special and general religious instruction of the pupils with whose education it is intended to interfere. Your Lordships have been told that a religious principle is to enter into the whole scheme of instruction; that it is to direct and govern the whole, but that special religious instruction is to be reserved for stated periods. The Noble Marquess has told us that the general religious instruction is to embrace the general mass of opinions upon which all Christians are agreed. It might, perhaps, have been better to describe it as including those truths, only, which are admitted by all who profess any religion whatever; — but even that would be grossly inconsistent with the principles previously professed by the Noble Marquess himself; for Mohammedans, Hindoos, and other inhabitants of India, are, in respect of their education, to become objects of care and attention to the Government of this country. I will take the nature of the general religious instruction to be imparted on the Noble Marquess's own showing; and I will take the liberty of asking, what are the truths in common amongst all classes of Christians? Brief as are many of the documents laid on the table of your Lordships' House, upon this subject, I will take upon myself to say that the shortest amongst them will not be found so short as the catalogue of those truths, were it correctly made out. There is hardly a dogma left unquestioned by one class of Christians or another. The commission itself, short as it is, would be much longer than any such catalogue. I, of course, deeply regret that all the truths of religion are not received; but there is only one fair way of dealing by all men in this matter; and if there were one plan more partial and unequal in its operation than another, — if I were called on to devise one which should have partiality for its basis, — I declare that I do not think I could devise any which could exceed the present in its injustice. The fact is, it brings the state to pay for those who entertain the least religion, by striking off every disputed doctrine. Then it provides that the moral instruction of the children shall proceed without reference to their religious instruction. I desire to know whether the Noble Marquess, as a Christian, is willing that his child should learn his duty to his neighbour, — should be instructed in his moral duties as a man, — without being informed of the state in which he is, as a man — as a fallen man, incapable of the performance of his duties unless assisted by divine grace? Do your Lordships for a moment suppose that there can be any moral training — any moral regulation or sanctity — unless in conjunction with the higher doctrines of Christianity? Having so long trespassed upon your Lordships' attention, I shall forbear from touching many subjects which, however, I feel ought to be noticed; and I am the more strengthened in my resolution to avoid them, when I recollect how much more powerfully they will be examined into by others.

The BISHOP of DURHAM. — My Lords, when, on a former occasion, I felt it my duty to state my views on the subject of education, I professed myself to be favourable to normal schools; and I am ready to take upon myself my full share of responsibility in recommending the establishment of them. But, in reference to the subject more immediately under your Lordships' consideration, I feel bound to call your Lordships' attention to the fact that the National schools, the British and Foreign schools, and the schools established at Glasgow, have partaken of the Government grants. I endeavoured to make myself as fully acquainted as I possibly could with the real condition of the people in reference to education; and I therefore sought my information from those who were, as I had reason to think, best informed upon the subject. An imputation has been cast upon the Government, as if they had rashly jumped to a conclusion the very reverse of that which they adopted in 1838. This I think an unjust imputation, though I do not profess to know what considerations may have more immediately induced her Majesty's Ministers to adopt the course which they appear resolved to pursue; but I am aware of many circumstances which may have had that effect. Your Lordships will recollect that, during the last year, both Houses of Parliament received a great number of petitions from different parts of the country, praying for the adoption of an extended and general scheme of education. I hardly know any subject which has so much agitated the public feeling; but it is one which ought to be decided by facts, and not by mere speculation; I therefore have endeavoured to procure as full information as I could possibly obtain, respecting the state of crime, and the relation subsisting between it and education, or rather the want of education. In the acquisition of such information as I obtained on the subject, I was much assisted by the Poor Law Commissioners, and received a considerable portion of that information through the kindness of Mr. Chadwick. In fact, I have always felt great interest in this subject; and I apprehend that, from the strong feeling existing in the country in respect to it, and from the example of what was doing in other countries, and also from some occurrences at home, particularly the unhappy outrages in Kent last year, her Majesty's Ministers were very naturally induced to take the whole bearing of the matter into consideration; and, after enlarging the grant for the purposes of education, to consent to admit of additional latitude in its application. Having stated these few words in explanation of my own views on this subject, and partly in defence of the course pursued by her Majesty's Government, I feel bound to oppose the resolution of the Most Reverend Prelate.

EARL FITZWILLIAM. — My Lords, I have heard, with great pleasure, the speech of the Most Reverend Prelate who opened this debate, and of the Right Reverend Prelate who spoke last but one; but it is a pleasure arising from very dissimilar causes, on account of the different materials of the two speeches. The most Reverend Prelate has told your Lordships that, if the church were to cease to teach pure morals and a right faith in Christianity, the state should cast off the church. I trust that no individual in this House thinks that the church can be cast off on that ground, or on any other: but it does not appear to me that this is a ground upon which can be built the conclusions at which the Most Reverend Prelate, and the Right Reverend Prelate who followed him, have arrived. I will take the liberty of complaining, that neither of those Reverend Prelates have grappled with the true question before your Lordships. For five Sessions, — namely, since the year 1834, — the House of Commons has been in the habit of voting an annual grant for purposes analogous to those now submitted to your Lordships. I should have expected, therefore, that any person endued with reasoning faculties, in objecting to this proceeding now, would have endeavoured to point out some glaring inconsistency between the present proposal and that which has been sanctioned by so many successive votes of the other House of Parliament. From that task, however, the Most Reverend Prelate, and the Right Reverend Prelate who followed him in debate, have both shrunk. Distinctions have been attempted to be drawn; but of real and substantial differences not one has been advanced. Now, with respect to the first ground of objection, — it can surely not be looked upon as matter involving any substantial difference, whether the grant is to be applied through the hands of the Lord President, the Chancellor of the Exchequer, and the Secretary for the Home Department, or those of the Chancellor of the Exchequer and three or four of the junior Lords of the Treasury. Another ground of objection is, as to this scheme being in connection with the societies now existing: but I think that the committee to be appointed are not bound to follow the rule which is now acted upon, and that it

is not advisable that they should follow it. The other difference is, — that previous subscriptions by individuals are not demanded on behalf of those schools to which the grants are made. The effect of enforcing the existing rule in reference to this subject has been this, — that education has been denied to those localities which, from their poverty, stood in the greatest need of obtaining it. Therefore, although I admit that, as a general rule, it is desirable that this plan should exist where there are local funds, and where there are persons whose means enable them to subscribe, — yet I think that, under other circumstances, the system ought not to be carried out. I take the liberty of saying, that, among those who admired the speech delivered by the Right Reverend Prelate who spoke at the table (the Bishop of Exeter), there are those who admire it for a variety of qualities. In the course of his address, the Right Reverend Prelate passed no very measured censure on all your Lordships' predecessors in Parliament; for he stated, that, for the last three centuries, the conduct of the state has been deserving of the severest animadversion, and that there was only one short period of ten or eleven years, during which the state had done its duty to this country. What do your Lordships suppose was done in that bright period of our history? Why, a grant of 100,000*l.* a-year was made. What for? Was it for the instruction of the people, — for the purpose of rescuing the people from the dangers to which they were exposed from not being properly instructed in the truths of Christianity? No; the only object of that grant was to increase the value of small livings!—I do not disapprove of such an object; but let your Lordships recollect that that was money given to the ministers of religion, and did not necessarily insure the increased instruction of the people.

A NOBLE LORD. — It encouraged residence.

EARL FITZWILLIAM. — No, it did not even encourage residence; the building of glebe houses would have promoted that object; but this sum was not given for that purpose; and the Noble Lord who interrupted me must show that the clergyman, in consequence of the increased value of his living, is a better pastor than he was when he had only his 70*l.* or 80*l.* a-year, in order to make out his proposition. I repeat that I do not object to the grant, but I contend that it was not given for the benefit of the flocks. I say that it was solely given in reference to the poverty of the living, and, therefore, entirely for the minister of the church; and the complaint which the people had a right to make was, that the Government had an eye to the ministers of the church, and omitted all care of the flocks which they superintended. Now, I will advert to a part of the speech of the Right Reverend Prelate, to which, I must confess, I listened with great surprise. My observation refers to the words used, — that there is not one dogma of Christianity which has not been, at some time or other, denied. There is no doubt that the subtleness of a mind like that of the Right Reverend Prelate might find the means of suggesting a denial to every dogma; but will the Right Reverend Prelate get up in his place and say that there are not many dogmas of Christianity which are acceded to by every religious sect in the empire? I heard this expression of opinion on the part of the Right Reverend Prelate with the greatest pain, and with the strongest impression of the danger which such an opinion must produce out of doors. It appears to me that persons disposed to take the same views with regard to the education and instruction of the people as the Right Reverend Prelate, are inclined to look upon them as not being calculated to make the people more Christian, but on the contrary, to produce a directly opposite tendency. Now, if that be the truth, — that the more knowledge a man may acquire, and the more accomplished he may be, and the more competent to appreciate intellectual pleasures, the less fitted he is to receive the doctrines of Christianity, ——

A NOBLE LORD. — No, no!

EARL FITZWILLIAM. — That was the argument; but I conceive that the truth is directly the contrary, — and that the more educated the man is, the more disposed he is to receive the truths of Christianity. Believing that there is no reason why the House should, on the present occasion, take a different course to that which has been before adopted, I shall give my vote in favour of the previous question; but, at the same time, I must be candid and fair to my Noble Friends on the Ministerial benches. Although I consider that the Noble Marquess has well defended the system proposed, I do not conceive — viewing the question as a matter of expediency — that her Majesty's Ministers have been well advised in the course they have taken, — I mean, well advised in its limited sense, — so far as their own interests are concerned.

I much regret that my Noble Friends have been obliged to recede from that part of their plan which contemplated the establishment of a normal school; because any person, who has had anything to do with the foundation of schools, knows that nothing is so difficult to obtain as a good schoolmaster. I regard the Government plan as very well for an attempt; and, if not successful in the hands of the present Ministers, it must ultimately prevail. I suppose that the opponents of the system will be left in a minority; but I must say I do not think that a matter of very much importance. The money is now voted; and I trust that her Majesty will be advised by men who will have firmness enough to advise her to give a proper answer to the Address which, in all probability, will be presented to her. If the Ministers yield to that Address, they will betray the best interests of the country. If, under the dictation either of lay lords or of clerical lords, they now fail in their duty, they will incur a large share of responsibility to the people of this empire, whom they will have deprived of a sum of 30,000*l.*

[Laughter.]

I think it very absurd to laugh. I repeat that, if the Ministers now fail in their duty, they will deprive the country of all the benefits of those proceedings which have been adopted by the other House of Parliament during five successive years, — benefits which your Lordships recognised as resulting from previous grants. Your Lordships will get out of that. You acquiesced in those votes, knowing, well, what you acquiesced in. If, however, your Lordships' proceeding of this night should be too stringent to enable the Government to give such advice to the Crown as I allude to, then the responsibility, which, in the first instance, they would have incurred, will recoil on your Lordships' heads.

The BISHOP of NORWICH. — I assure your Lordships that, at this late hour of the night, I rise with great diffidence to address you, because I am aware that my opinions are not quite in accordance with those of many Noble Lords; but, at the same time, I do not hesitate to express my views in opposition even to my Right Reverend Brethren, since I feel convinced that we are all engaged in the attainment of the one great object. We may be going in different paths; but I hope that our end and aim are the same; and I trust that my Right Reverend Brethren will aid the Government, by every means in their power, to do that which will promote the welfare of the people, and the establishment of a good system of education. I rejoiced to hear the Right Reverend Prelate near me (the Bishop of London) disclaim, the other evening, that the clergy were anxious to take the education of the people into their own hands.

The BISHOP of LONDON. — I never disclaimed anything of the sort.

The BISHOP of NORWICH. — I understood that the words of the Right Reverend Prelate were, that the general education of the people was never claimed by the clergy, but that they were ready to educate the children of the members of their own flock. This, then, is a refutation of the calumny cast against the clergy of the Church of England, — that they are in a state of apathy on this subject. There may, I confess, have been some truth in the charge, formerly; but, henceforth, the people of England will find that the clergy are not apathetic, or slumbering at their post. I will go even further than the Right Reverend Prelate; and I see no reason why the clergyman of the Church of England, whose education and character fit him for association with the aristocratic classes, while, at the same time, the latch of every cottage door is raised at his approach, should not join in the instruction of the general population of the empire; and I pity the Dissenter, of whatever denomination he may be, who scruples to hold out the hand of fellowship to the clergyman who performs the duties of his mission. I remember the time when, to mention education, required some moral courage, — when we were fettered and doomed to have a most insignificant degree of education. When I consider that, may I not anticipate a great change in education, so as to answer the purposes of every class? I remember the time when infant schools were looked upon as designs against the church, — when I was taunted — and by a clergyman, too — with that scheme of infant shools, because they were considered as engines of Socinianism, and calculated to undermine the church. Socinianism from a cradle! Oh! these are great changes! and when I consider the powerful machinery which the church now possesses, — regarding ourselves as attached to the state, — deeming ourselves as the most wealthy and important part of the religionists of England, — I look forward to the time when the church will be as tolerant in practice as she is in theory, and ready to meet the wants of the people. But there

are difficulties in our way. Surely, if there be any subject on which all ought to agree, — which, when it is brought before society, should be calmly and dispassionately considered, — it is that of education. But I would appeal to your Lordships, and to the world at large, whether the subject has been thus calmly and dispassionately received? It has been received with exaggeration, with falsehood, with every degree of obloquy and vituperation that could be heaped upon men. Has the proposal been received as it ought to have been, as proceeding from the Government? How would the church have liked to have been taunted in the same way, if everything objectionable in its system had been pointed out with the microscopic eye of critical observation? It is impossible to agree on such a subject; for every individual has a plan of his own, hammered out upon his own anvil, to which he sedulously attaches himself. To say that the scheme is perfect, would not be true; it is far from perfect: there are defects in it — many points, requiring explanation; and yet the country are called on to condemn it without consideration, without examination. Is this fair? That remark excites the laughter of a Noble Lord opposite; but surely that is not the way to treat so serious a subject. It is not a proposal at once to be condemned, but it requires examination. In the first place, there is great difficulty as to the church, with respect to the clergy, who may be anxious and willing to educate the people, but who cannot do so from insufficient resources. Let your Lordships remember, too, the immense masses of population to whom the most zealous clergymen can never find access. The Right Reverend Prelate on the bench below will tell your Lordships that there are thirty-two parishes in London where there is not above one clergyman to 15,000 persons. How, then, can one clergyman do his duty, and yet carry education amongst such a mass? Again, as to the difficulty of educating Dissenters together with those of the established church, — it is certainly great, and requires great nicety and judgment; but I believe it to be practicable. I am no novice on the subject of education. Great part of my life has been spent amongst the humbler classes; I know their feelings, their passions, and their thoughts; and I give it as my opinion, as the result of my experience, that persons may be educated together, though they be of different religious persuasions. The Most Reverend Prelate has given your Lordships an instance, in a school in Westminster, where there are not less than forty or fifty Roman Catholic children, with others of the established church, and yet all go on in unanimity.

I now come to a very delicate subject, which has been so much touched upon this evening; it is that of the merits of a system of education in which religion is divided into general and special. We have been taunted with that, and harsh language has been used towards the Government for making this subdivision. I will read an extract from a paper in which that language is used. It is said there, "Where did they find it? Was it in the primitive fathers? Was it in the foundation of the reformed church? No. It was reserved for the crude and presumptuous analysis of the members of the Privy Council." I can give an answer to that, and a most satisfactory one. The members of the Privy Council have either made a most valuable discovery, or have been guilty of a plagiarism of a discovery emanating from a man whom they need not be ashamed of copying from. And who was the individual who adopted that division? It was neither more nor less than a right reverend prelate, whose name, when I mention it, will command your Lordships' respect and esteem, — I mean that evangelical prelate, Daniel Wilson, Lord Bishop of Calcutta. Now, what has he done? There is established in India one of the finest educational institutions in the world, called "Martinyar." A person of the name of Martin went abroad, many years ago, as a private soldier; he was promoted to the rank of major-general, and made a large fortune, which he left for the education of persons, without any reference to creed, in the principles of general education. I hold in my hand a document showing that that object has been carried into effect. It is signed by Daniel Calcutta, Richard Pledger, and James Charles. I wish I could reverse the order there, and, instead of James Charles, put Charles James at the top. I wish, indeed, that the Right Reverend Prelate would establish and promote a system so truly evangelical — so truly applicable to the wants and necessities of all. Well; in the institution I have referred to, the religious instruction of the children is divided into two parts, — the one general, and the other particular. Then, what is the general system? It embraces the fundamental truths of Christianity, as they are held in common by the five existing great divisions of Christendom; while the other relates to discipline, church government, the sacraments, and other matters on which differences more or less exist. The committee which was appointed to frame the plan, in their Re-

port, considered that the first part should be taught daily and publicly, to all the children, by the head master of the school; while the second should be taught privately and on particular days, by the ministers and teachers whom the parents might, with the approbation of the governors, select. The Report then proceeds to point out the general doctrines which are taught. And yet that very system is condemned in England, which is approved of in India. Now, when we see a system carried on with admirable effect in India, I think it is too much to complain of one so strongly resembling it, without some explanation being afforded upon the subject. Another part of the same plan is now under consideration. It will be asked how the Bishop of Calcutta acts with respect to the difficult case of the Scriptures? He speaks of two versions; —

As it respects the versions of the Holy Scriptures, your committee are not aware that the Greek and Armenian churches have any English version of their own. The English and Scotch churches use the authorised English version. It remains only that the Church of Rome be considered, which has long possessed a version of its own — that of Douay and Rheims.

One great point made against the present plan, in England, is, that the Douay version is to be used by the Catholics. Now, what is the Douay version? It is a translation from the Vulgate, which the University of Oxford, in 1679, pronounced to be the best translation of the Scriptures; and this, more than sixty years after the publication of our own authenticated version. The Rhemish Testament, which is also introduced, may be said to be a corruption of the Bible; but at the time of the French revolution, when the country was deluged with emigrants, the University of Oxford published a very large edition of the Rhemish Testament, and distributed it amongst those persons, who received it as the greatest boon that could be conferred upon them. I see a gloomy prospect before us, — that we have great difficulties to contend with, — that it may be long before we shall find education spreading itself over the land; but, although the atmosphere is obscure, I perceive something like a bow of promise; and, amongst all the bad feelings and bad passions which have developed themselves on this subject, though their cup may be full, yet the time will come when our hopes of success will be realised, — when we shall gather the good seed that has been spread so abundantly over the land, —when we shall collect ourselves together, and, instead of fighting like controversialists, will go hand in hand, Churchmen and Dissenters, remembering that we have to contend against those powerful enemies,—ignorance and profligacy; and although her Majesty's present Ministers may not live to see the fruits, they have sown the seeds which no power can crush; they will germinate — they will shoot up — they will spread; and I cling to the hope that the consequences of what her Majesty's Government has done, will be, that the people of England will be educated.

The BISHOP of LONDON. — At this late hour of the evening, when the atmosphere of this chamber is as dense as the Right Reverend Prelate, who has just sat down, has stated the ignorance of the country to be,—unwilling as I feel to trespass on your Lordships,—yet, on a subject of such paramount importance, I, as a bishop of one of the largest dioceses in England, feel that it would be inconsistent with my duty to the church and to the country, were I not to offer a few observations to your Lordships before the debate is brought to a close. The Right Reverend Prelate who has just sat down, and to whom I give full credit for the sincerity of his expressions, has spoken of our church with the hope that, in time, she will be as tolerant in her practice as she is in her theory. I will not dwell on that subject any longer than to remark, that if there be a church in the world which deserves the character of toleration in practice as well as in theory, it is the church of these realms. Nay, I am not sure that they have not carried their tolerance in practice further than their duty allows. Not that I blame them for it; but I cannot sit quietly, and hear such an imputation cast upon the church of which the Right Reverend Prelate and myself are among the joint governors, when I know how unfounded it is. Now, it is with unfeigned reluctance that I assure your Lordships that I must vote in favour of the resolution, which, speak of it as you may, is condemnatory of the measure that has been adopted by the Government, — a measure determinedly adhered to, certainly persevered in with much determination, on the strength of an insignificant majority in another place, against the majority of the country, judging by the petitions, which are 3000 to 100, or as 30 to 1, against it. I experience greater concern in taking the course which I feel it my duty to pursue on this occasion, because the measure has a shape which makes it appear to me to have received the sanction of the Sovereign herself, who is the temporal head of the church. Not that

I should have any fear on that account, because I know that is a measure of the Ministers, and not of the Sovereign; but it makes, to me, the duty more painful and distressing, of applying the language of censure — which I feel compelled to do — to a measure of the Government. I hope I may not be considered as attributing unworthy sentiments to the members of that Government, if I should speak of erroneous motives leading to erroneous results. But I am not alluding to any one member of the Government, when I state that, after deliberate attention, I must say, that if that measure goes forth as it is now, it will possess functions which, as far as I can see, will serve to undermine and weaken, if not overthrow, the Protestant church of the country. Least of all am I disposed to attribute such a motive to the Noble Marquess the Lord President of the Council; since he has stated, this night, and oftentimes before, that, considering the close connection between the established church and the safety of the institutions of the country, he can never favour or give his approbation to any scheme which is likely to impair that church. But, giving to Ministers full credit for the correctness of their motives, I must frankly and openly declare, that it requires some degree of charity, — when I consider the evils to which this measure will lead, — to say nothing in disparagement of their motives. I think that her Majesty's Ministers are in the hands of a party in this country, who entertain the hope of securing them as instruments for carrying their own designs into effect. They have designs around and about the foundations of the Throne, and know that that will be most successfully assailable through the medium of the church. If the one falls, the other glorious and happy institutions of our country will follow; for the church can never be cast down, but in its ruin it will involve the Throne also. I speak advisedly, when I say there is a party in this country who publicly are seeking to effect that object. Two years ago I warned your Lordships and the country as well on the presentation of a petition from Cheltenham against a scheme that was, at that time, set forth and recommended for adoption by a society, comprising in their list names of persons highly respectable, well known for their upright conduct, and who, I must think, lent their names from error, — I mean the Central Society of Education. That scheme was, professedly, to seek to induce the Government of this country to discard education from its connection with the church, and thus to substitute for our system of national, one, in fact, of exclusive education. They want a uniform system of education; and their theory is, that the exclusion of the Bible should be a *sine quâ non* of any scheme of national education. I think I had a right to exhort her Majesty's Government against adopting the plans of that society; but I must not be considered unkind or unfair, when I say that that society have been the advisers of the Government in the scheme they have set forth; because the scheme put forth by the Privy Council is, in every respect, the same as that put forth by the society in the second volume of their publications. But the Central Society are not the only party at work, endeavouring to prevail on the Government of this country to substitute such a system in lieu of that which is in connection with the established church. There is another body, formed at a recent public meeting, and calling themselves "The Society for promoting Religious Equality;" and these are two of the resolutions they have passed: —

That to compel any one to contribute to the support of religious rites of which he disapproves, or the ministers of the church from which he conscientiously dissents, is manifestly unjust, and at variance with the spirit and principles of Christianity; that state establishments, by which any particular church or sect is selected as the object of political favour and patronage, and its clergy are invested with exclusive rights and secular pre-eminence, involve a violation of equity towards other denominations, and are the occasion of inevitable social discord.

That is all very well, and is no more than was to be expected; it is no more, indeed, than was declared by the deputation who waited upon Earl Grey, and who said that nothing less than the subversion of the church would satisfy them. But what follows? —

On every hand, in some shape or other, the church and state question meets the politician. It is the tithe question in Ireland; the church extension question in Scotland; the church rate question, and the education question, and the university question, in England.

Now, in the schools, there must be practised somewhat of a similar system to that of the universities.

In no measure of legislation are the social and religious interests of all denominations more deeply involved, than in those relating to national education; in reference to which, a false step on the part of the Legislature will be with difficulty retrieved.

That may be considered as the representations of the party to which I have referred, the first step of whose resolutions, and the outline of which is sketched out, as it seems to me, in the scheme of

the Privy Council. Your Lordships have heard the clergy charged in express terms with being opposed to the diffusion of knowledge. Now, none are more sensible of the evils arising from ignorance, and of the duty incumbent on them to do all in their power to prevent them. How can it be truly said, although it has been so stated, that the church are neglectful or remiss in the discharge of their duty? I am not sure whether the fact has been stated, this evening, as to what has been the increase of educational resources in the last few years, principally owing to the church. By the Returns, it appears that the increase of scholars, since 1818, in the infant and daily schools, is 671,248, but in the Sunday schools somewhat lower. Of these, the Dissenters form somewhat less than one sixth of the population of England, — and deducting the Wesleyans, less than one seventh; and the number they educate in daily schools is less than one twenty-fourth, whilst in their Sunday schools it is somewhat higher. In comparing the education which the millions of children of the nation receive in connection with the church, with the number of those educated by Dissenters, your Lordships must remember that great impulse given to education, which led to the connection of the National and British and Foreign School Societies. The church has always given all the time and attention it can to the education of the poor; and a tribute which a Noble and Learned Lord, who has devoted much time to the subject of education, twenty years ago, paid to that body of men, was as just as it was eloquent; and I feel that the Noble and Learned Lord will not now retract it. I know it may be said, "It 's all very true; we admit the amount of education in connection with the church — that you have a respectable roll-call of scholars; but the education given is worthless and bad." Now, the more closely we inquire into the phrase, we shall find it consists principally of this, — the clergy devote more time than their opponents think right to the religious instruction of the children. That is, now, the language of the Noble Marquess, into whose hands they will be consigned, if the scheme at present propounded by the Government be proceeded with. It is said the education is bad; there is too much time devoted to religious instruction, and not sufficient to secular knowledge, and instruction in those mechanical arts which would be serviceable in after life. The clergy are contented to bear that imputation, because they think it to be more important to be training up the immortal souls of those who are committed to their charge, and inculcating an observance of their religious duties, — that it will be more beneficial to them, more likely to give them happiness in future, by acquiring good and virtuous habits, than to imbue them deeply with that knowledge which they are sure to acquire for themselves, if they find it will be serviceable, and which may prove, without Christian restraint, rather a curse than a blessing. I speak it advisedly and deliberately — it would be rather a curse than a blessing. For let me not be told that the acquisition of knowledge is at all times beneficial to mankind: that knowledge, which only sharpens the wit of man, leaving untouched the conscience, cannot be beneficial. It is controverted by experience. What is the state of education, and of the popular mind, in France? What is the fruit, in that country, of the system which you are so anxious should be introduced into this? I will, now, trouble your Lordships by reading a few extracts from works on crime, which will stagger the faith of those who trust in secular education alone. The first extract I shall read is from the work of M. Guerry, a gentleman of great ability and research on the subject on which he writes. M. Guerry says, —

> While crimes against the person are most frequent in Corsica, the provinces of the South-east, and Alsace, where the people are well instructed, there are the fewest of those crimes in Berri, Limousin, and Brittany, where the people are the most ignorant; and as for crimes against property, it is almost invariably those departments that are the best informed which are the most criminal; — a fact which, if the tables be not altogether wrong, must show this to be certain, — that if instruction does not increase crime, which may be a matter of dispute, there is no reason to believe that it diminishes it.

The writer overlooks the cause of this. It is, that education in France is purely secular; of religious instruction there is little or none. I know that the Government of France wish it to be otherwise; but all their efforts have not yet achieved that object. The report made to M. Guizot, by one of his agents, respecting education in France, is, *L'instruction morale et religieuse y est nulle.* The same result is deduced from educational statistics in America, by De Beaumont and De Tocqueville; and in Sweden (Mr. Laing's *Tour*); and yet, in that country, education is general, and under the influence of the established church. In Great Britain, crime has tripled during the last twenty years, — a period of educational exertion; so also in Scotland. But it was not so, as long as the parochial sys-

tem of education was adequate to the population. The clergy are not admitted to act as a council in matters of education in Prussia, except in the humblest capacity: the whole is a Government matter, based on a laic principle. The Protestant clergy have no liberty in choosing books, or the hours of religious instruction, but attend merely as hired visitors, themselves under *surveillance*. The Romish clergy, indeed, insist upon choosing the books to be read in the schools; and the Prussian law enforces attention to their wishes. The consequence is, that religious instruction comes as a matter of routine, and is not connected in the minds of the pupils with any feeling of respect for the ministers of religion. "How," asks Mr. Gleig, "can a Government pretend to have the smallest regard for truth,—(and truth and religion are one and the same thing),—which equally countenances the Protestant Episcopalian, the Presbyterian, the Papist, the Independent, the follower of the Greek church, the Jew, and the Mohammedan?" All the witnesses agree that the most dangerous rioters are the most ignorant and uneducated. In two towns, in the manufacturing districts, of nearly the same size,—the workmen of one were the most orderly of any in the neighbourhood,—those of the other the worst. The cause is this:—in one, 17 per cent. of the whole population attend Sunday schools; in the other, 7. In America, where the Government interferes in private education, and makes it imperative on the parent to send his children to school, the improvement of that interesting country in moral and religious instruction is, on the whole, rather problematical. The Second Annual Report of the Massachusetts Board of Education (Mr. Everett, chairman), Boston, 1839, speaks of a collection of books about to be published as a common school library. One series for children, another "for a maturer class of readers."

Each book in the series is to be submitted to the inspection of every member of the board, and no work can be recommended but upon their unanimous approval. Such a recommendation, it is believed, will furnish a sufficient assurance to the public, that a sacred adherence will be had to the principle which is embodied in the legislation of the Commonwealth on the subject of school books, and which provides that "school committees shall never direct to be purchased, or used, in any of the town schools, any books which are calculated to favour the tenets of any particular sect of Christians."

The Appendix to this Report is another Report from the Secretary of the board, Mr. Horace Mann, who says (p. 78.),—

In my Report of last year, I exposed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency, in regard to religious instruction, could only be explained by supposing that school committees, whose duty it is to prescribe school books, had not found any books, at once expository of the doctrines of revealed religion, and also free from such advocacy of the tenets of particular sects of Christians as brought them, in their opinion, within the scope of the legal prohibition. And hence they felt obliged to exclude books which, but for their denominational views, they would have been glad to introduce. No candid mind could, even for a moment, accept this as an evidence of an indifferent moral and religious instruction in the schools; but only as a proof that proper manuals had not been found, by which the great object of moral and religious instruction could be secured, without any infringement of the statutory regulation. A knowledge of the deficiency, then for the first time exposed to the public, has turned the attention of some of the friends of education to the subject, and efforts are now making to supply the *desideratum*. Of course, I shall not be here understood as referring to the Scriptures,—as it is well known that they are read in almost all the schools, either as a devotional or a reading book.

In the state of New York, 500,000 out of 2,000,000 are at school,—one fourth of the population; yet crime increases, there. In Connecticut, education is still more extended, and nearly one third of the population is at school; yet crime is multiplying. The real fact seems to be, that while secular education decreases those crimes which are attended with violence, it increases those accomplished by fraud. Murders and personal injuries have decreased, but frauds and thefts have increased. In Russia, where there is no popular education, out of 5800 crimes within a certain period, 3500 were accompanied with violence; while in Pennsylvania, where education is general, out of 7400 crimes, only 640 were with violence,—one twelfth, instead of three fifths. Even this improvement will not be permanent. The records of our own criminal courts show the same. A chaplain of the New Prison at Clerkenwell, in his Report, says,—

Your chaplain finds daily, that those whose intellects have been most cultivated, are generally the most depraved. Three of the best so educated, now in prison, have been committed, one eight times, another seven or eight, a third twice.

Now, in my opinion, due credit ought to be given to the church for what it has done for education in the last twenty-five years; but, still, I will admit that the system now in operation is not so good as it might be. This opinion I have often had occasion to state to the clergy of my diocese. But I must add, that we should consider what the church had to do when

it started with education,—what were the means it had to work with,—and how those means were used. Let the church but get the proper materials to work with, and it will be found that she will work most efficiently. With some experience of schools, I will say that secular instruction might be so communicated as to produce a taste for religious instruction. Indeed, it might be so arranged as to make the one grow out of the other. I am afraid of trespassing on the time of your Lordships; but as it may spare you the infliction of another speech on the Bill (on Education) of the Noble and Learned Lord (Lord Brougham), I would beg to be allowed to add, now, a few words more. As to the interference of the state in education, I am not one of those who deny that right. Education involves the best and dearest interests of the people of this country: prosperity and happiness so much depend upon it,—social order is so much connected with it,—that it is necessarily a great state question. Looking only to the duty of every Government,—a duty too much neglected, and from the reproach for which not even the Government of this country, past or present, is exempt,—of preventing crime, and of obviating by every possible means the necessity of inflicting punishment, it is a most important subject. A good education—and by that I mean such an education as admits religious instruction—is the best and the cheapest police; and I do not hesitate to say, that if one tenth of the amount laid out in the building of gaols for the last fifty years, had been expended fifty years ago in the erecting of schools, it would have gone a great way to save the other nine tenths. Admitting the right of the state to interfere with the instruction of the people, it becomes an important inquiry, how far, by what means, and in what direction is this to be done? I must be permitted to assert that this is not a problem that can be solved by any rule which is equally applicable at all times and in all places; but must, of necessity, derives it solution from the peculiar circumstances of the case. For instance;—surely the Government of this country could not follow a system of interference on the part of the state by such a power as Prussia,—a despotic power which can drive a large body of its dissident Protestant subjects beyond its dominions—which can imprison two archbishops of one of its established churches!—The exercise of such a power would not suit a free people. Yet to this length the society for centralisation and its allies would go: they are endeavouring to persuade us to introduce a system for which it is admitted the people of this country are not prepared;—a system which shall make the Government the sole arbiter, controller, and director of public instruction; which shall arm it with full power to compel parents to send their children to be educated,—and upon its own system, be it observed; which, in short, shall make the Government become the great national pedagogue and the whipper-in, in this race for education. The state, in establishing a national church, determined on a system of education; for, let it not be forgotten, that instruction begins by the schoolmaster, and is completed by the clergyman. It is the duty, as well as the interest, of the established church, to embrace every opportunity to extend and confirm its influence consistently with the principle of toleration. This is not merely my own opinion, but that of a very learned, able, excellent, and liberal-minded man,—I mean Mr. Leonard Horner. Where there is an established church, it is the duty of the Government to avail itself of that church for the purposes of education. You may differ as to the precise mode in which that duty ought to be discharged; but the duty, itself, cannot be denied. Now, it appears to me that this duty will not be carried out by the Government, if it adopt a system which will have the tendency to make, not the church, but the Government, itself, the instrument of education; to constitute it the schoolmaster general; to give it the power of choosing the schoolmasters, the school books, and, in short, the power of doing everything appertaining to the office of schoolmaster, except that of chastising the boys. These are functions which the Government of this country is not competent to take upon itself. It is not competent to execute them. Is it likely—is it possible—that four or five Members of her Majesty's Government, holding office by the will of the Crown, or, rather, by the will of the House of Commons, can perform the duties that the system proposed would impose upon them? What time can they have for bestowing their attention on the performance of those duties? Besides, they cannot be qualified by their previous habits for the execution of the very difficult and delicate functions that will be required of them. Is it likely that they will execute the great duties of an educational minister in such a way as can be advantageous to the public? They may desire to do so, but they will not be able. Will it not follow that, before long, the powers conferred on this Board of Education will fall into the hands of a few, but far-designing, men, behind the

scenes, who will pull the strings, and keep up the gesticulations of the nominal actors to the bystanders, that may laugh or weep at their movements, but who, thus unseen, will exercise all the power which it is intended the board only shall exercise? If this be not so, it may happen that the powers will be transferred to some secretary—who will then be, in point of fact, one constituted, authorised, and yet irresponsible agent. What security, let me ask, is there, not that the individual shall be a member of the Church of England, but that he shall be a Christian? What security, at least, is there, that he may not be a Socinian, or, at all events, a Roman Catholic?

I trust I shall not be understood as speaking in disparagement of the Privy Council, when I say that they are likely to be mere puppets moved by the strings dexterously pulled by others; but the comparison is forced upon me when I think I see the commencement of this *fantoccini* process already. The Committee of Privy Council are not competent, at all events, to perform the duties in contemplation, without a solemn Act of the Legislature to enable them to assume them, or to intrust them to any other. But I will assert that the constitutional means for diffusing education throughout the country, as far as religion is concerned, is the church. I assert this in the most unqualified manner. But if, owing to the changes that have taken place in the social fabric of the country, there are those who refuse to receive education at the hands of the church, and desire to have it through other means, let them, if you please, be assisted by the state. To such a course I do not object; but let them be so assisted as that it shall not, at any time, make it manifest to the people of this country that the state think they are doing more than discharging a duty of benevolence and of charity. Let them not give the people reason to suppose that they have withdrawn their confidence from the established church in the line of education which it adopts, or that they are disposed to withhold that parental superintendence and instruction which it at present gives to the children of the establishment; and, in proportion as it disheartens and estranges her rational, intelligent, and attached members, it gives encouragement to her prejudiced and dangerous opponents. It is because the system which has been propounded by the Government has a direct tendency to this disparagement of the church, that I so strongly object to it. Why not go on upon the plan which has been acted upon for the last six years? I know that two parties of different principles have received the benefit of assistance; but, under peculiar circumstances, you must give way so long as you do not sacrifice any vital principle. I am not disposed to question the propriety of advancing money in the way in which it has been advanced, under the same restrictions and for the same purposes; for here lies the difference between the administration of this parliamentary grant, as it has been hitherto administered by the Lords of the Treasury, and that which is now contemplated under the direction and control of the members of the Privy Council. Parliament voted, experimentally, as it were, a sum of 20,000*l.*, which was applied to the purposes of education, with an understanding that it would be spent in that way which was most efficient for the schools. The Chancellor of the Exchequer, at that time, insisted that certain fixed principles should be adopted: these were uniformly acted on, and made known to Parliament; we knew, therefore, precisely what we had to expect: but at present we have not the least notion of what we have to expect. I believe—and I have no doubt that the Noble President of the Council is sincere when he says—that it is the full intention of the committee to work out the same principles as before; still there is a loophole out of which they may creep, and destroy the effect of the whole regulation, because they do not insist on the same imperative qualification,—that the local subscriptions shall be the basis on which aid is granted. They do not restrict themselves to this; and this is the main reason why I object to this plan. I must say, that I think the time exceedingly ill chosen for making such an invasion upon a system to a certain degree established. It is very true that it is only a temporary system; but it is a system working exceedingly well, tried only on a limited scale; and it is very singular that that should be adopted as a reason for establishing a plan which throws open the door for perpetual latitudinarianism. It is sowing that evil in a soil well prepared for its reception; and, when once sown, it will spring up, I have no doubt, and bear a harvest of bitter fruit. I shall, perhaps, be told that, if I persist in this principle, the result will be that it will be impossible to educate the children of Churchmen and Dissenters together. I am not sure, if these discussions be much longer protracted, that that will not be the result; but, if that should be the result, it would be a much more desirable

one than bringing them up together, on the express and implied condition of their not being taught the distinguishing doctrines of their sects. I know that it is practicable to educate the children of Churchmen and Dissenters together, — having been president of a very large national school, to which children of every denomination, Jews not excluded, were admitted. I know that it requires very judicious management to avoid giving offence to Dissenters; yet we have enforced our rules judiciously, and the Dissenters are content to leave their children in our hands, to receive instruction in what are held by the church to be the fundamental principles of Christianity. But if, after all, the proposed plan is to come to separate education, I know no harm in that. I do not think that the children would be at all inclined to look on one another with less charity in life from being educated in separate schools. The infallible result of their being educated together will be this, — they will learn to look on what they hold as the fundamental principles of Christianity as of no weight, and will regard them as of far less importance than the knowledge of those branches of secular education which concern only the occupations and prospects of the world. The Most Reverend Prelate, who opened this debate, alluded to the Report of a very eminent and philosophic man, in the seminary for teachers at Kayserslauten, — I mean Professor Thierch, who is celebrated for his knowledge of the Greek language. He says, —

Many arguments recommend the division of the seminary for teachers according to the confessions of faith. I know and respect the motives which dictated that, in the circle of the Rhine, both confessions (Protestant and Romanist) should be united in a single seminary, in the advantages of which even future rabbis should be allowed to participate. But it is conceivable, and the experience of other countries shows that it is found, that when seminaries are divided, toleration may be secured both among teachers and communities; indeed, that this is more effectually attained, the more each confession is secured in its real wants. Among these wants it would seem that the education and instruction of the persons to whom elementary schools are to be intrusted, must be specially included; and since such an education cannot be conceived, unless its basis be firmly laid in the knowledge of some Christian confession, there the division of seminaries according to the modes of faith, as happens in Nassau, in Prussia, and perhaps one may say in every other country, is necessarily required.

The Minister of Education in France, in a circular to the prefects, in 1833, said, —

It is in general desirable that children whose parents do not profess the same religious opinions should early contract, by frequenting the same schools, those habits of mutual goodwill and tolerance, which, at a more mature age, will grow into justice and union. It may, however, be sometimes necessary, even with a view to the public peace, that separate schools should be opened in the same commune for each faith.

Therefore, when it comes to this, I do not apprehend any very great evil to the cause of charity and to the cause of the Christian church. It is always important to ascertain the sentiments of men of unbiassed and philosophic minds, who reside at a distance from the turmoil of that political agitation, which makes the views of those who live in it contracted; I will therefore trouble your Lordships with the opinions of a very eminent person, — M. Cousin, — who has laboured so much in the cause of education, and has made such excellent Reports to the Minister of Education in France; but, before doing so, I ought to lay before your Lordships the sentiments of an enlightened body of men, not less philosophical, who have expressed their sense of the importance — not to say duty — of intrusting the education of the country to the clergy, and of not separating in any case the education of the people from the ministers of the established church. The Report of a Committee of the House of Commons on Education, in 1818, says, —

Your committee have the greatest satisfaction in observing that, in many schools where the national system is adopted, an increasing degree of liberality prevails, and that the Church Catechism is only taught, and attendance at the established place of public worship is only required of those whose parents belong to the establishment.

After recommending the adoption, under certain material modifications, of the parochial school system of Scotland, the Report says, —

Your committee forbear to inquire minutely in what manner this system ought to be connected with the church establishment. That such a connection ought to be formed, appears manifest; it is dictated by a regard to the prosperity and stability of both systems; and in Scotland the two are mutually connected together. . . . To place the choice of the schoolmaster in the parish vestry, subject to the approbation of the parson, and the visitation of the diocesan, but to provide that the children of sectarians shall not be compelled to learn any catechism, or attend any church, other than those of their parents, appears to your committee the safest path by which the Legislature can hope to obtain the desirable object of security to the establishment on the one hand, and justice to the Dissenters on the other.

The Report of M. Cousin says, —

The fundamental principle of the government of the schools of primary instruction in Prussia,

is, that the ancient and beneficial union of popular instruction with Christianity and the church shall be maintained in a suitable proportion, under the supreme direction of the state, and of the Ministry of Public Instruction and Worship. In every case the clergy form leading members of the committee. . . . I ask, (says he,) whether we desire to respect the religion of the people, or to destroy it? If we undertake to destroy Christianity, then I admit we must take care not to have it taught in the schools of the people. But if we aim at quite the opposite result, we must teach the children the religion which civilised their fathers; and we must let the clergy fulfil their first duty, — that of watching over the teaching of religion. . . . . Religion is, in my opinion, the best, perhaps the only, basis of popular instruction. . . . The more I consider the subject, the more I converse with the directors of the normal schools, and with the advisers of the Ministry, the more I am persuaded that we must at any price come to an understanding with the clergy respecting the instruction of the people, and make religious teaching a special and carefully conducted branch of instruction in our primary and normal schools.

He goes on to say, —

I am well aware that these counsels will be displeasing to more persons than one; and that at Paris I shall be thought a Methodist. And yet I write, not from Rome, but from Berlin. He who thus addresses you is also a philosopher, once the object of suspicion, and even of persecution, to the priesthood; but that philosopher has a heart superior to personal insults, and is too well acquainted with human nature and with history not to regard religion as an indestructible power — Christianity, properly taught, as a means of civilising a people, and a support necessary for individuals, upon whom society imposes painful and humble duties, without any future of worldly prosperity and consolation of self-love.

With these words, more eloquent than any that I can use, I might well take my leave of the subject; but, however, I can adduce a similar expression of opinion by the Report of the Commission of Peers drawn by M. Cousin in 1833, which says, —

The curé and the pastor are absolutely necessary to the effective and complete supervision of the school. The ecclesiastical authority ought to be officially represented in the education of the youthful population, as well as the civil; it must not be condemned to interfere furtively, as it were, and under another name. We wish most earnestly, and with a view to the true interests of religion, that she should remain in the sanctuary; but the people's school is itself a sanctuary, and religion has the same claim to be there as in the church or the chapel.

I only hope that I have guarded myself from the objection that I have confounded the duty of the church as regards religious and secular education. I hold that nothing can be more fatal than separating secular from religious instruction; it is the union of the two, in all the sanctity of the one, and in the present usefulness of the other, which constitutes that system of education which the church is bound, so far as it can, to give to the people. I assure her Majesty's Ministers that it is far from the result of any feeling of unkindness towards them that I cordially support the resolution of the Most Reverend Prelate; but I feel that there is a sacred duty which I am bound to perform, at whatever sacrifice, — that of resisting any motion, proposed from whatever party, which I, in my conscience, believe to be calculated to undermine the church, or, at all events, to impair its efficiency, diminish its usefulness, and prevent its accomplishing those purposes for which it was established.

LORD BROUGHAM. — My Lords, the interest I have always felt with regard to the education of the people, will, I trust, serve as an apology for my attempting to address your Lordships at this late hour of the night. I never heard a more concise speech on an extensive subject, nor one more temperate nor more candid on a question above all others calculated to excite violent feeling, mixed up with religious animosity, than the speech of the Right Reverend Prelate who has just sat down. If any one had heard the Right Reverend Prelate in the first and more important portion of his speech, who had not heard the speech of my Noble Friend the President of the Council, nor read the papers on your Lordships' table, which purport to be the foundation of this discussion, — if any one had heard the arguments of the Right Reverend Prelate on the general tendency of secular education, as separated from religious instruction, to make the people immoral, — and could have heard his charge against the Government, of having tools, ready made to be taken up by the Central Society, for severing education from religion, — could he, could any man living have dreamed, when he heard it said, that "they were tools ready to be snatched up, and used as blind instruments for pulling down the established church," — could he, could any man living, I say, have dreamed that that was an argument denounced against a plan of which this is staring them in the face as its fundamental quality, — that "religious instruction is to be considered as both general and special, and in which religion is to be combined with the whole matter of instruction?" I confess, for one, that I cannot imagine any two things more incompatible than this plan and that of the Central Society. It is impossible that the Central Society should do anything but abjure the principles which form the fundamental part of the scheme of my Noble Friend. But I have another ob-

jection to the speech of the Right Reverend Prelate; for I ask, whether any man breathing, who had heard him or the Most Reverend Prelate, only, would not have concluded that your Lordships were discussing anything but a general scheme for the education of the mass of the people? All the arguments are founded on the supposition that the system is to be general, and that it is also to be compulsory; that it is to exclude religion, if it is not to be, itself, irreligious; and that it is bottomed on a design to pull down the established church; that it is anti-Christian, is declared in one of the petitions; that it is Popish, in another; in a third, both epithets are culled and combined, and it is anti-Christian and Popish. But what is it your Lordships are called upon to discuss? No scheme, no general system, but merely a minute of Privy Council, bearing — that four members shall be added to the one member who had charge of the matter formerly, and that they shall have the duty of superintending the distribution of the grant, and the establishment of a normal school; — at least, this is the original form of the plan; I only regret it does not go further. If this had been a system of education, which it is not, there could not have been more noise made about it. It is not a system; if it had been, I should have hailed it with much more cordiality than I do now. But, at least, it is a groundless objection to the proposition of my Noble Friend, to say, that it is a general system of education, if, in deference to the affectations of some, and the rooted prejudices of others, there has been pared down what ought to have been a general system of popular education, in accordance with the light of the age, and with the general increase of knowledge throughout Europe, to a plan for founding a single school in London. I am mortified to find that so little is to be done,—I am mortified and humbled to think that, after forty years have passed since popular education began to revive in Europe, England should be only better than Spain in this respect, and not better than, nor so well off as, many of the states of Central Europe. But I am still more mortified to find that there is a single man in this House, and that there are millions out of it, who are led away by the preposterous and childish cry of danger to the established church arising from this plan. 20,000*l.* having been applied for education for six years, without coming to this House, and with no voice more audible than a whisper having been raised against it, all at once the church is found to be in danger, — the religion of the people is to be rooted out of the land, — and the morals of the country are to share the same fate, because four Privy Councillors are appointed to superintend the distribution of the grant for education, instead of the Chancellor of the Exchequer, and because they originally proposed a plan, which was afterwards abandoned, for establishing a normal school! Is not this mortifying at this time of day? is it not pregnant of despair for the future? Is it not enough to make men look to next Friday with black despair, when they find that a single school for the training of schoolmasters cannot be erected in this country? The present plan, under which the grant is distributed, is unexceptionable as far as it goes; and where it works, it works well. Defend it, therefore, I will, — only lamenting that it extends over so narrow a space.

One great mistake pervades all the statements of the Right Reverend Prelates; and I therefore will grapple with it in the first instance, because, until that is explained, no advance can be made. The proposition of the Right Reverend Prelates is, that you have an established church, — the state supports it, — the law countenances it, — to it is committed, by the state, the religious education of the people; therefore the clergy of that church ought to have the secular instruction of the people. They do not go so far as to say that they must have the exclusive education of the people. Once it was said, that the claim of the church was exclusive to the education of the children of its own members. Now it is urged, "Give the church plenty of means, not to instruct its own children in secular learning, but give means enough to instruct others also." As to the first proposition, I cannot understand it. As to the second, I am equally at a loss to know how it would work. This appears to me to be plain, — that if the Dissenter contribute to the fund to be applied to the purposes of education, he has a right to share in the advantage to be derived from any system of education that may be adopted. That cannot be the case, if the secular instruction of children of all denominations is to be intrusted exclusively to the clergy of the established church. What is the proposition of the opponents of the present plan? "Let all instruction be in the hands of the clergy." The Right Reverend Prelate who spoke last, argued that the members of the Cabinet would be too much occupied with other matters to pay proper attention to the education of the people. But may not the same argument apply equally to other persons? Are not the hands of Right Reverend Prelates, for instance, too full to admit of their taking a very

active part in controlling the general execution of such a scheme? I have not heard, for the first time, this night, that the clergy are a hard-worked and ill-paid class of men. No man knows that fact better, and no man feels it more distressingly, than I do. They are hard-worked, ill-paid, inadequately lodged — so lodged, in many instances, that residence is made disagreeable to them, and thus great temptations are held out to them to violate a high and imperative duty, — a duty, the observance of which is binding in their own consciences, and essential to the welfare of their flocks. I readily admit that no class of men labour harder in their vocation, than the working clergy of this country. I have often had occasion to pay them a humble, a grateful, and a sincere tribute for the services they have, in many respects, rendered to the cause of social improvement, and, in particular, to the cause of education. These are rendered at spare times and by-hours, snatched from the more peculiar avocations of their sacred calling. But the attention of the clergy ought not to be diverted from the main object of their lives, — the explanation of the doctrines of religion to the people. That is enough to occupy their lives; particularly when the visitation of their flocks — without which they never can adequately discharge their duties — is rigidly attended to. To say that to this duty of expounding and defending the truths of Christianity could be added that of superintending secular education, is a proposition so utterly monstrous, — so destitute of all likelihood and possibility, — that I think I must have mistaken those who have urged your Lordships to intrust the education of the people to the clergy. I cannot but think that these are words without meaning, — sounds without sense, — words devised to get up a cry in favour of this plan, and excite a clamour against the church. I utterly deny that the clergy can become the general instructors of the people, or have a right to teach anything more than religion, or can have any pre-eminence in the great and important business of education. They are, no doubt, teachers in the highest sense of the word, — religious teachers; they are to teach religion, others are to teach learning. How far is this confidence in the church to be carried? Is natural philosophy not to be taught by laymen? Is chemistry not to be left in the hands of surgeons and men of science, but confided to the ministers of the altar? Again: why should they be made the teachers of secular instruction to the poor, any more than to the rich? I confess I cannot understand those who argue that intellectual learning is all very well for men of high station, because it may come to them in the aid of the lessons of religion; but that religious knowledge is adequate, of itself, to all the wishes and moral wants of the poor man. The Right Reverend Prelate seems, indeed, to regard knowledge as little better than a curse to the poor man. I certainly do not admire the Right Reverend Prelate's code of morals. It is said, that men in a low station can never be taught to bind themselves by those high sanctions of honour which are looked upon as most binding on the rich. Now, I think that the religion of the poor man may produce all the really beneficial effects of the so-called principle of honour, without those monstrous practices — of homicide, for instance — which are attempted to be defended by the latter, but which, I hope, the teaching of the schoolmaster, if he should be abroad for thirty years longer, will thoroughly explode. I am not adverse to include religion in my scheme of education; on the contrary, the reading of the Bible in all schools will be made imperative by my Bill. But why is it necessary that religion should be taught by the same man who teaches reading? A greater error never entered the human mind, than to suppose that those who hold the doctrine of teaching religion separately and privately are not religious men. If I were asked to point out the most religious men of the country, I should point to those who uniformly act on this principle, — the founders of the British and Foreign School Society, who intrust the teaching of religion to its proper teachers, and leave secular education to be taught in public seminaries. I must, however, call the attention of your Lordships to the language used by the opponents of this minute. They allege that there is so trifling a distance for the Dissenters to come over to the church, that it may be easily got over. Now, this is the very creed of persecution — this is the very language of the Inquisitor. "The difference between you and me," says the Inquisitor, "is slight, and of such a nature, that I may compel, force, burn you into compliance. Mine is the true faith, — mine is the faith endowed by the state, — the state patronises me, — the state conscience is with me, — it reposes in confidence upon me. Come you, then, over to me. What right have you to complain of the gentle force I use towards you? If I asked you to turn Mohammedan, or to preach Atheism, and threatened you with the rack or with the

fagot, you might indeed call me a persecutor; but I am doing no such thing; I am only asking you to do the most gentle and the most reasonable thing in the world. I ask you to get over a trifle, for which the Greek and Latin churches, in the ages of folly, were mad enough to persecute each other. There is only an *iota* of difference between us. You are a Homoousian, I am a Homoouisian. Come, then, to us. Rest on our bosom, — it is for the good of your suols — and I will make it for the interests of your body also." Expanded into the language of the Inquisition, this is the argument used by the Right Reverend Bench. This is the argument used by the Most Reverend Prelate.

The ARCHBISHOP of CANTERBURY. — I rise to order. The Noble and Learned Lord is doing me great injustice in fastening so invidious an argument upon me. I said nothing that could justify such a misrepresentation. I said that the church was accused of intolerance; and in refutation of that charge, I stated that the clergy had shown the greatest willingness to educate the children of Dissenters, and that the Dissenters had not objected to let their children receive that education, because they felt that the difference between them was trifling, and might, perhaps, be got over.

LORD BROUGHAM. — Nothing is further from my intention than to attribute to the Most Reverend Prelate anything like the use of such language. The tolerant nature, as well as the acute understanding, of the Most Reverend Prelate, renders him, of all men, quite incapable of persecution. If any one should accuse the church of intolerance, — and I have always thought the church to be the most tolerant church in Christendom, and far more tolerant in its practice than it is in its theory, — I should be the first to meet such an accusation with a stern denial. In these days of toleration, there is no dread of the wheel, the dungeon, or the torch; but there is a just dread of an exclusive system, — there is a just dread of the preference by the state of one sect above another, — above all, there is a dread of making people, who do not belong to the established church, contribute to the support of schools and seminaries for the purpose of educating one class exclusively. I am bound, once for all, to state that I regard the present plan as anything but a system of education. Indeed, it is not introduced as such a system. To whatever other objections it may be liable, I confidently avow that it is liable to none of the objections which have, this evening, been made against it. Nothing, in my opinion, is more uncalled for than these resolutions. If any person had attacked the established church, — if any person had talked irreverently of religious instruction, — if your Lordships had obtained possession of the slightest scrap of a letter from a Secretary of State, undervaluing either religious instruction or the established religion of the country, — then I could understand why holy men should be buckling on the whole armour of faith, — then I could understand why the cry should thus have arisen from three hundred vestries, that "danger is imminent to the established church," — then I could understand why clerk and laic are both so vehement in their exclamations that the doctrine of Antichrist is about to be substituted for the Christian religion. I can even suppose that all these different parties are only rallying for the defence of the citadel, — supposing it to be really attacked. But nothing of this kind has occurred. There is nothing in this minute, save a distinct recognition of the established church, and of religion as the corner stone of it. I have lived long in the world, and I have lived long enough in it to be ashamed of hearing the yell "Down with the Catholics; the church is in danger!" I have never heard that howl raised, without finding that it owed its origin to some of the most insignificant and harmless designs that the wit of man ever devised. I recollect well that, in the year 1807, the country was convulsed to its centre. A Ministry was ejected from power — a general election took place. The cry of "No Popery!" and, "The church in danger!" resounded through the land. "Rally round the Altar and the Throne," exclaimed the reverend agitators. "You cannot shake the one without shaking the other. If the sacred edifice of the church be once prostrate in the dust, the days of the Crown are also numbered." What, I would ask, was the cause of all this outcry? Dislike to the established church? There was no more dislike to it, then, than there is now. Language of violence against the clergy? There was no more of it, then, than there is now. Any whisper to make people quake for the safety of the establishment? No such whisper was heard from one end of the island to the other, any more than now. Quite the reverse: there was a warm attachment to the church, and a steady resolution to support its just interests. But it so happened that, amidst all

this piety towards the church, and amidst all this horror of innovation on its rights and privileges, a Bill was brought into Parliament to enable a Roman Catholic, who was colonel of a regiment in Ireland, to hold the same rank when he came over to England! That was all the cause of the clamour, then; and an event equally insignificant is the cause of the clamour now. One solitary school is to be formed for the instruction of forty schoolmasters. Then rises the wild cry, "The church is in danger; rush, one and all, to its rescue!" In 1807, no sooner was the Irish Bill shown to Parliament, than it was obliged to be withdrawn. In 1839, no sooner is the normal school promised, than it is abandoned, in consequence of the outcry. When the clouds were dispelled, which, in 1807, obfuscated men's understanding, it was discovered that the Bill, which had created so much disturbance, was passed, within five years, in silence and neglect; and the first time that it was heard of, it was heard of as a law fixed in the statute book. I hope the time will come when men will begin to open their understandings to reason — when they will cease to make religious matter the ground only of indulging feeling, and make it the subject of sound, manly, intelligent reason, also. Then, I shall have no fear of the work of education being checked by any clamour of danger to the church, the clergy, and religion, — then the Parliament of England will perform, at length, its too long delayed and most sacred duty of giving instruction to all classes, all descriptions, all ranks, and all sects of the people, upon the broad, universal, and eternal principle of religious, as well as civil liberty.

The DUKE of WELLINGTON. — I confess I am astonished at the admiration which has been expressed by the Noble and Learned Lord, of the speeches which have been made by the Most Reverend and Right Reverend Prelates, — the greater part of his own speech being directed, at the same time, to do away with their effect, by the exercise of those powers of ridicule with which he is so liberally endowed. Indeed, it was not till within the last few moments of his speech, that the Noble and Learned Lord at all referred to the particular matter under discussion. Before I sit down, I think I shall succeed in showing, to the conviction of your Lordships, that these Orders in Council do the very things which you, in this House, have a right to require shall be done by Act of Parliament. The Noble and Learned Lord, and the Right Reverend Prelate on the second bench on the opposite side of the House, would make it appear to your Lordships that your Orders in Council do no more than has been done, before, by minutes of the Treasury; — that the system now under discussion has been in operation, already, for years. The fact is very much otherwise. Under the Treasury Minutes, there is nothing further than a grant of money, very much in the way of charity, to those who, in certain circumstances, have subscribed a fixed amount, and who are to have the management of the funds; but certain conditions are required by the Board of the Privy Council, — and it is essentially necessary that this House should entreat the Crown not to carry these measures into execution, without knowing precisely what they are, and having the sanction of Parliament to them. I shall vote for this Address to her Majesty, in order that Parliament and the country may clearly know what those measures are which the Government intend to propose for the education of the people. The Noble Marquess thought proper, in the course of his speech, to put certain questions to the Right Reverend Bench, which were afterwards answered by a Right Reverend Prelate; but, begging the Noble Marquess's pardon, it should have been the business of the Government to state what their intentions were on this subject, — what share they purposed giving the church in this system of education, which is not to be superintended immediately by the clergy, — and not to require the Most Reverend Prelate to declare what were the pretensions of the church on this matter. It has been stated that the regulations proposed by Order in Council are really nothing at all; but it appears to me that something has been put forward not at all unlike the Irish system of education, — a system which, I believe, has entirely failed in Ireland, and which, I am sure, would not answer in this country. The Minute authorises the use of the Douay version, the Unitarian and the Anabaptist versions of the Scriptures. The people of this country have a right to know, distinctly, from authority, whether a tax is to be laid on them for the purpose of educating them in Popery and Unitarianism? Nor will the system be harmless with respect to the established church, for the clergy are excluded from all control in the matter. It will, also, I contend, very much impede the flow of private benevolence, for it will subject every school which receives any grant to the inspection of an officer appointed for that purpose. Then, I say, your Lordships have a right to call upon

her Majesty's Ministers to stir themselves on this subject; but you have had, also, to entreat of her Majesty not to allow such a system to be carried into execution in the country, without allowing Parliament the opportunity of fully discussing it. Even at this late hour, I feel it to be my duty to call your Lordships' attention to what is, in my opinion, the real question to determine; and I contend that the House will be only doing their duty to the country, by acceding to the resolutions of the Most Reverend Prelate. I think that the Noble and Learned Lord will admit, that not only would the clergy have good reason to complain of it, but those who founded schools of private benevolence would have reason to complain also.

VISCOUNT MELBOURNE.—I should be very well content to leave this subject to be determined by the speeches which have been delivered by my Noble Friend the President of the Council, and the Noble and Learned Lord near me; but, considering the nature of the motion that has been made, it may, perhaps, be expected that I should address a few words to your Lordships before the debate terminates. After the long discussion in which your Lordships have been engaged, it appears that you all agree as to the necessity of extending the education of the people, — you all agree as to the benefits of instruction, and that those benefits should be diffused; but yet it is very strange that, in a matter so plain, so just, and so true, something should occur to prevent your Lordships from coming to an agreement as to the manner of carrying your intentions into effect. For my part, I trust that your Lordships will not adopt the resolutions proposed by the Most Reverend Prelate, as they would throw a great obstruction in the way of that object which we all have equally in view. The Right Reverend Prelate who presides over the metropolitan districts, in the course of a very able speech, stated his objection to the present measure, and the apprehensions he entertains respecting it. Perhaps I do not deny all the facts stated by the Right Reverend Prelate. There may, possibly, exist a party hostile to the ecclesiastical establishments of this country, and to the monarchical institutions of the country; but I deny that her Majesty's Government are in the hands of that party. The Right Reverend Prelate was pleased to say that her Majesty's Government were guided and directed by persons holding violent opinions, like so many puppets, and made use of for their purposes, — that all their power and all their influence were directed to carry into effect the ends of such persons. Now, I deny that there is any foundation for any notion of that sort. The Right Reverend Prelate also pronounced a high eulogium upon the clergy of the established church, and stated the exertions and efforts they had made in the cause of education. I have not the slightest doubt this eulogium is fully deserved; but it was introduced by the statement, "that it had not been declared in express terms in this debate, that the clergy were hostile to the diffusion of knowledge." Stated in express terms! I should think not! Nobody said anything of the kind. I trust it will not be supposed that any person in this House ever uttered any imputation or insinuation whatever against any part of the clergy of the established church. Unquestionably I listened with great satisfaction to the very temperate and able speech of the Most Reverend Prelate; but in it, there was much that had no immediate reference to the question before the House. Many of the objections which the Most Reverend Prelate takes to the Committee of the Privy Council, apply with equal, if not greater, force against the jurisdiction which unquestionably, for four years, has been acquiesced in, of the distribution of the grant by the Lords of the Treasury. The Most Reverend Prelate says that the Committee of the Privy Council are party men, and that, therefore, grants will be given for political purposes, and with a political object. I should have thought that, with common feelings and ordinary notions, perhaps, a Committee of the Privy Council might be supposed to be as little objectionable as the Lords of the Treasury. The Right Reverend Prelate (the Bishop of London) feels that he puts himself out of court by any approbation of the distribution of the grant by the Treasury; that it is evident that any objection which lies against a Committee of the Privy Council, must also lie against the Lords of the Treasury, but that there is this difference,— namely, that the Treasury points out the grounds on which they go; they tell the principles on which they proceed, whereas the Committee of the Privy Council work in the dark. The Committee of the Privy Council certainly mean to depart from the rules laid down by the Lords of the Treasury in one or two instances. They mean not always to ask for a proportional subscription from those to whom they give money. The Most Reverend Prelate says that, in some instances, this rule is evidently right. It is clear that, if you only give money to those who subscribe, you give to the most wealthy; and therefore,

unquestionably, it is right to depart, in some instances, from that principle, as laid down by the Lords of the Treasury. If your Lordships do not place confidence in the Committee of the Privy Council, — if you will not give them the distribution of this grant, — unquestionably you have the right to act accordingly; but it surprises me, that there should be a degree of suspicion and diffidence with respect to steps taken in the face of all mankind, which are known to all, and which relate to a sum of money to be voted annually by Parliament; and it appears to me in the highest degree absurd to deny your confidence, unless you are prepared to deny all confidence whatever, and to say that you entirely distrust the authority of the Committee of the Privy Council. The Noble Duke opposite says that, if parties accept grants of money, they will subject their schools to the inspection and direction of the Privy Council; but the Most Reverend Prelate admits that nothing can be more fair, if you give public money to schools, than that Government should be enabled to ascertain whether the money is rightly bestowed and applied, and whether the schools are managed according to the rule proposed. Now, the Privy Council ask parties to submit only to what is reasonable; they do not ask them to submit to control or command, — they wish merely to be allowed to ascertain, by inspection, how the money is applied. It appears to me that there are parliamentary and constitutional objections to the last resolution of the Most Reverend Prelate. That resolution is for an Address to the Crown, praying the Crown not to take any steps to establish this measure finally, without giving your Lordships an opportunity of giving your opinion upon it. Upon the whole, I think it would be wise and prudent in your Lordships to pause before you adopt the Address which is intended to be moved. We never well know, beforehand, what is likely to create alarm, and to raise a cry in the country; but I must say that this is one of the most idle and unfounded cries that was ever raised, and I am extremely sorry that it has been taken up, as it has been, by the Right Reverend Prelates; and I will only add, that your Lordships will neither consult the course of proceedings which you ought to take, nor your own dignity, nor the interests of the country, if you agree to the resolutions proposed.

VISCOUNT MELVILLE. — I beg leave to trespass on your Lordships' attention for merely one moment. By the Act of 1693, the Church of Scotland has control over all the schools in that part of the United Kingdom. The mere prerogative, therefore, can effect nothing, there, independently of the church. If it be intended to establish a scheme which is to be beyond the control of the Church of Scotland, and to depend solely on the prerogative of the Crown, I will tell her Majesty's Ministers that they had better not cross the Tweed.

LORD BROUGHAM. — There is a doubt whether the authority of the Church of Scotland extends beyond parochial schools. As to the suggestion that Scotland would desire to be left out where a vote of money is concerned, I think that the most preposterous notion imaginable.

The MARQUESS of LANSDOWNE. — I beg to inform the Noble Viscount opposite, that the vote is intended to include Scotland; and the appointment of inspectors will not interfere with the kirk of that country. I would also observe, that it is my intention to take the sense of the House on the previous question, and afterwards to move the omission of certain words in the second resolution, for the purpose of reducing it to the enunciation of a mere matter of fact.

The House then divided; when there appeared —

Content, present . .	171	
Proxies . .	58	
Total . .	—	229
Not content, present	80	
Proxies . .	38	
Total . .	—	118
Majority in favour of the resolution . . .		111

The MARQUESS of LANSDOWNE. — I beg, now, my Lords, to move, pursuant to the intimation I have given, an amendment to the second resolution, for the purpose of making it conformable to the terms of the Order in Council, by which the Board of Education is appointed.

LORD ELLENBOROUGH. — I think the Noble Marquess is perfectly justified in proposing this amendment; but I conceive that the Most Reverend Prelate was equally justified in framing the resolution in its present shape, — inasmuch as the board had acted under Lord J. Russell's letter of instruction of the month of February, in reference to several applications for grants (that from Liverpool, for

3500*l.* to erect a normal school, among the rest), before the Order in Council was issued.

The MARQUESS of LANSDOWNE. — There was not a single step taken with regard to any of these applications, until after the Order in Council had passed.

The amendment was then put, and agreed to.

The remaining resolutions, namely, —

"That it appears, from the documents last mentioned, that a Committee of Council has been appointed, consisting exclusively of members of her Majesty's Government, for the purpose of considering all matters affecting the education of the people, and of superintending the application of any sums which may be voted by Parliament for that purpose:

"That, on the 13th of April last, it was proposed by such committee to establish a model school, which might serve as an example for other schools; and a normal school, in which a body of schoolmasters might be formed competent to assume the management of similar institutions in all parts of the country:" Which being objected to, an amendment was proposed to be made to the said motion, by leaving out from the word "purpose," in the third line of the first paragraph, to the second "of," in the fourth line of the said paragraph; and in the last line of the same paragraph, by leaving out the words "that purpose," and inserting "the education of the people:"

"That it appears by the Report of the committee, approved by her Majesty in council on the 3d of June, that the committee is empowered to retain the right of inspection, in order to secure a conformity with such regulations as they may approve of for the management and discipline of all schools to which aid may be granted; and to make grants of public money to any schools which may appear to them to require such aid, irrespectively to the religious doctrines which may be inculcated in such schools:

"That it appears to this House, that the powers thus intrusted to the Committee of Council are so important in their bearing upon the moral and religious education of the people of this country, and upon the proper duties and functions of the established church, and at the same time so capable of progressive and indefinite extension, that they ought not to be committed to any public authority without the consent of Parliament:

"That it appears to this House that the particular scheme of education, set forth in the minutes of the Committee of Council of the 13th of April, is open to grave objection with reference to the arrangements made for the religious instruction of children, to the use within the school of any other than the authorised version of the Scriptures, and to many other important details; and although it is stated in the Report of the Committee of Council of the 3d of June, that it is not in the power of the committee to mature a plan for the formation of a normal school without further consideration, and that they therefore postpone taking any steps for the purpose until greater concurrence of opinion is found to prevail, yet the Report gives no assurance that the scheme approved by the committee on the 13th of April may not be hereafter carried into execution, at the discretion of the committee:

"That, under these circumstances, this House considers itself bound, by the obligations of public duty, to present an humble Address to her Majesty, conveying to her Majesty the resolutions into which it has entered, and humbly praying that her Majesty will be graciously pleased to give directions that no steps shall be taken, with respect to the establishment or foundation of any plan for the general education of the people of this country, without giving to this House, as one branch of the Legislature, an opportunity of fully considering a measure of such deep importance to the highest interests of the community:"

— were severally, on question, resolved in the affirmative; and, on the motion of the ARCHBISHOP of CANTERBURY, a committee was appointed to prepare an Address. The committee withdrew: after some time, Report was made of an Address drawn by them, which, being read, was agreed to; and, on the motion of the ARCHBISHOP of CANTERBURY, was ordered to be presented to her Majesty by the whole House; and the Lords with white staves were ordered to wait on her Majesty, to know when she would be pleased to appoint to be attended therewith.

PAPER.

On the motion of LORD HATHERTON, Ordered to be laid before the House — Return of the number of parishes

or townships in which the apportionment of the rent charges agreed for under the Tithe Commutation Act have been confirmed by the Tithe Commissioners; distinguishing those to which sealed or first class maps are attached, from those to which certified or second class maps are attached; up to the latest time to which the same can be made out.

PRISONS (SCOTLAND).

To be read a second time on Tuesday next.

SCOTCH CHURCH.

Petition for the further endowment of, — of the minister, elders, congregation, and parishioners of Trinity College church, Edinburgh. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petitions against, — of clergymen of Lincoln; and of clergy of the rural deanery of Lleyn, in the diocese of Bangor. — Read, and referred to the select committee on the Bill.

ECCLESIASTICAL REVENUES (NORTH WALES).

Petition praying that the revenues arising from sinecures may not be transferred to other dioceses, but may be applied to the augmentation of poor benefices in the same diocese in which they accrue, — of inhabitants of Guilsfield. — Read, and ordered to lie on the table.

COPYHOLDS ENFRANCHISEMENT BILL.

Petition in favour of, — of tenants of the manor and rectory manor (part of the duchy of Cornwall), and the inhabitants and landowners of the parish of Shepton Mallet. — Read, and ordered to lie on the table.

POSTAGE.

Petitions for reduction of the rate of, — of the provost, magistrates, and town council of Linlithgow: and of inhabitants of Portland; and East Cowes. — Read, and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Rathkeale (Limerick) Inclosure Bill.—Leave given the committee to sit this day till five of the clock, during the sitting of the House.

Shoreham Harbour.—Annual Account presented (by Act).—To lie on the table.

Pemberton's Divorce Bill.—Read a third time, and passed; evidence to be returned to the Lords.

Hall's Estate Bill; Davie's Estate Bill.—Reported, without amendment; read a third time, and passed.

Ship Propeller Company Bill.—Reported; to be ingrossed.

Weguelin's Divorce Bill; Marquess of Cholmondeley's Estate Bill.—Read a first time; to be read a second time.

Sidmouth Improvement and Market Bill.—Lords' amendments agreed to.

Brick Duties Bill; Paper Duties Bill; Prisons (Scotland) Bill.—Read a third time, and passed.

Glass Duties Bill.—Considered in committee, and reported, without amendment.—To be read a third time to-morrow.

STANDING ORDERS COMMITTEE.

Resolution reported:—

That, in the case of the Dublin and Drogheda Railway petition, the Standing Orders ought not to be dispensed with.

Report to lie on the table.

SMALL DEBTS BILLS.

Mr. WILSON PATTEN.—I give notice, that on Monday next I shall call the attention of the House to the present state of the various Small Debts Bills now in progress. I feel it my duty to adopt that course, in consequence of the delay that has taken place in presenting the looked-for Report from the Select Committee on the County Courts Bill. Seeing the Right Honourable Baronet, chairman of that committee, in his place, I beg to ask when we may expect that that Report will be presented? and when it is likely that it will be brought under the consideration of the House?

SIR GEORGE GREY.—The committee have proceeded diligently with the consideration of the whole subject referred to them. Their Report has been prepared, and is now in the hands of the printer, so that I expect it will be ready to be laid before the House on Monday; but I cannot at this moment fix a day for making it the subject of discussion.

Mr. WILSON PATTEN.—As it seems quite uncertain when the Report can be discussed, I shall adhere to my notice, and move that the several Small Debts Bills be passed through a further stage on Monday. They may be made ready for a third reading; and then the House, on seeing the Report of the Select Committee, will be able to judge whether, in justice to the promoters, it would be proper or not to pass them.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Northern and Eastern Railway (No. 1.) Bill, without amendment: Northern and Eastern Railway (No. 2.) Bill; Deptford Pier Junction Railway Bill, with amendments.

That they have passed a Bill, intituled, "An Act to dissolve the Marriage of the Reverend William Andrew Weguelin, Clerk, with Emma, his now Wife, and to enable him to marry again, and for other Purposes therein mentioned."

And, also, a Bill, intituled, "An Act for exchanging Freehold and Copyhold Estates belonging to John Motteux, Esquire, in West Rudham and East Rudham, in the County of Norfolk, for Freehold, Copyhold, and Leasehold Estates in Darsingham, in the same County, settled under the Will of Horatio, Earl of Orford."

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Postage, — By SIR W. MOLESWORTH, Mr. BUCK, Mr. HARVEY, and others, for a low and uniform rate, — from Rixton; Norwich (seven petitions); Halifax; persons connected with the establishment of Richard March, Cheapside; London; Great Yarmouth; Islington; Todmorden; N. Saxton and others; Walsall; and, Whitechapel.

Sale of Beer Bill, — From Barnsley, against.

Henry R. Bowles. — Of Henry R. Bowles, one of the clerks in the office of the Deputy Adjutant General in Ireland, complaining that the proposed increase of salary in his case was not carried into effect, and praying for inquiry.

Maynooth College, — By SIR R. INGLIS, from Smalley, against further grant.

Church of Scotland, — From Yarrow, in support.

Education, — Against the proposed scheme, — from Ashstead; and Heywood.

From Pirbright, against the altered plan.

Belfast Water (No. 1.) Bill. — Petitions against, — from the Belfast Charitable Society; and millers and others of Belfast. — Referred to the committee on the Bill; counsel ordered.

PAPERS.

Miscellaneous Services. — Estimates (Class VI.) presented, — for the year ending 31st day of March, 1839 (by command). — To lie on the table, and to be printed.

Ordnance. — Supplementary Estimate presented, — of the Office of Ordnance, 1839-40 (by command). — To lie on the table, and to be printed.

CANADA.

SIR W. MOLESWORTH. — I give notice, Sir, that on Thursday next, on moving the Order of the Day for going into committee on the Government of Lower Canada Bill, I shall move, "That it is the opinion of this House that the interests of justice, of sound policy, and of humanity, require that Parliament shall apply itself without delay to legislate for the permanent government of the provinces of Upper and Lower Canada."

DISTRESS IN IRELAND.

COLONEL PERCEVAL. — I beg to bring under the attention of the Right Honourable Gentleman the Chancellor of the Exchequer, in the absence of the Noble Lord the Secretary for Ireland, a question of a pressing nature with regard to the state of the county of Mayo, — namely, whether her Majesty's Government contemplate doing anything to relieve the distress which exists in that part of the country? If the Right Honourable Gentleman will allow me to read a few lines of a letter from a respectable Roman Catholic clergyman, he will find that the misery of the people of Newport, in the county of Mayo, is frightful in the extreme.

The CHANCELLOR of the EXCHEQUER. — I think it would be better if the Honourable and Gallant Gentleman, instead of reading the letter in the House, would put it into the hands of the Noble Lord the Secretary for Ireland, whose attention has been already turned to the subject. The less discussion there is in this House about such cases, the better for all parties; because all desultory conversations on the existence of distress, whether in Ireland or Scotland, have a tendency only to create more distress. The Honourable and Gallant Gentleman would have pursued a better course, if he had communicated his information to the Government privately.

COLONEL PERCEVAL. — I am quite ready to take any "proper" course which may be pointed out, but I do not think I deserve the lecture of the Right Honourable Gentleman. I could not suffer one day to pass, having a knowledge of this distressing case, without putting a question to the Government upon it. When hundreds of people are endeavouring to live on one meal a-day, and that composed of the worst description of potatoes, called lumpers, with the aid of wild spinach, I feel it my duty at once to draw the attention of the Government to the fact, and particularly to the state of the people of Newport, to which this letter refers.

Mr. O'CONNELL. — I think it is impossible that any discussion, in this House or out of it, can increase the amount of misery in Ireland. Owing to the failure

of the second potato crop, the people are on the verge of starvation. I speak with a knowledge of the state of things in Kerry, in which county the gentry have made every sacrifice they could to alleviate the sufferings of their poor neighbours. The case is of that pressing nature that it is absolutely necessary that something should be done in the way of relief without delay.

Mr. SERJEANT JACKSON.—I have also received the most melancholy accounts from the south-western parts of Ireland. I have received four letters on this subject from Bandon and its neighbourhood; from which it appears, as I stated the other day, that, out of a population of 7000 persons, there are 3000 in a state bordering on starvation, and 1000 utterly destitute. A very small amount of relief from the Government, promptly administered, would save a number of these poor people from perishing.

SUMMARY JURISDICTION BILL.

SIR E. WILMOT. — I beg to call the attention of Government to a clause in the Summary Jurisdiction Bill, which enables sheriffs to carry prisoners through one county into another. The House is aware that there were serious riots at Birmingham, yesterday. Now, I happen to know, that this morning it was necessary to carry forty prisoners from Warwick to Birmingham, through Worcestershire; and as the law at present stands, those prisoners, when in Worcestershire, were no longer in the custody of the sheriff, and might, consequently, have escaped. It has been stated that the rioters at Birmingham intended to attack the public offices and the gaol; and it is possible, — although I hope such is not the case, — that they may have attacked this caravan of forty prisoners, in which case, no protection could be given, they being no longer in the custody of the sheriff. I wish, therefore, to know, as the subject is one of pressing importance, whether, if the Government do not intend to proceed with the Summary Jurisdiction Bill in the present Session, they will bring in a short Bill enabling sheriffs to remove prisoners from one county through another?

Mr. FOX MAULE. — I beg to say, on behalf of my Noble Friend, that he does intend to proceed with the Summary Jurisdiction Bill this Session. If, however, anything should prevent him from doing so, I can assure the Honourable Member that due consideration will be given to the subject to which he has alluded.

SIR ROBERT PEEL. — I would ask the Honourable Member, whether it was absolutely necessary for the sheriff to have conveyed those prisoners through the county of Worcester? It might, perhaps, have been more convenient to do so; but I am inclined to think that the difficulty might have been avoided by a short *detour*.

SIR EARDLEY WILMOT.—It would have been possible to have done so, but in that case the prisoners must have been taken a circuit of ten miles round.

SIR R. PEEL. — That is just what I mean; and I think it would have been prudent to make that *detour*.

METROPOLITAN IMPROVEMENTS.

SIR ROBERT INGLIS. — Seeing the Right Honourable Gentleman the Chancellor of the Exchequer in his place, I beg to ask, in reference to the Report of the Committee on Metropolitan Improvements, whether it is the intention of her Majesty's Government to introduce any Bill this Session, founded on the recommendations of that Report?

The CHANCELLOR of the EXCHEQUER. — Directions having been given by the Treasury to the Board of Works, to ascertain whether, with reference to the public interests, we could act on the Report and recommendations of the committee; and a favourable answer having been received, a Bill was prepared on the subject. I subsequently discovered, however, that a Private Bill had passed this House, empowering the city of London to borrow money on the security of certain of the city funds for the improvement of the approaches to the new London Bridge. Such being the case, and that Bill having reached the third reading in the House of Lords, I felt it to be my duty to take the opinion of the law officers of the Crown as to whether that Bill might not interfere with the intentions of the Government, and deprive the Treasury of their power to act as they had proposed to do. While perfectly ready to undertake what the committee has recommended, I cannot do so unless it can be effected without imposing additional cost

upon the public. Therefore, until I am assured that the city funds are perfectly adequate to the purposes for which they are sought to be applied under the provisions of that Bill, without the imposition of new burdens on the public, I shall not proceed with the Bill which I have prepared.

FIRE INSURANCES.

COLONEL SIBTHORP. — Having been anxious to secure to myself the right of bringing forward my motion for reducing the duty on fire insurances, I gave notice that I should do so on the Order of the Day for going into a Committee of Ways and Means. In consequence, however, of a change in the order of procedure, made by the Right Honourable Gentleman, last night, which I never expected or contemplated, I find I am thrown overboard, although I have come to the House fully prepared, as may be seen from the mass of papers I now hold in my hands. I trust I shall still have an opportunity of bringing my motion forward, the first time the House goes into a Committee of Ways and Means.

The CHANCELLOR of the EXCHEQUER. — I assure the Honourable and Gallant Member that the change has been made with no intention to prevent him from bringing forward his motion, but solely from a desire to comply with the rules of the House. The statement which I have to make relative to the proposed new scheme of postage, can only be made in committee on the Post Office Acts, and it is on that account that the notice was altered. Of course, when the House goes into a Committee of Ways and Means, the Honourable and Gallant Member will have an opportunity of calling the attention of the House to the duty on fire insurances.

PENNY POSTAGE SCHEME.

LORD STANLEY. — I hold in my hand a petition, in reference to which I hope the Chancellor of the Exchequer, in the statement he is about to make, will be able to offer some explanation satisfactory to the petitioners. The petition comes from the paper manufacturers of Lancashire, who state that they have seen, from the evidence of Mr. R. Hill and others, that it is proposed, in order to obviate the frauds which are anticipated from the new scheme of postage, that one person, only, shall be employed to manufacture the paper for the stamped covers which will be required under the penny postage system; and they pray that the House will not sanction the granting of such a monopoly to any one individual, but that the business of supplying such paper shall be, as usual, competed for by advertisement and public tender.

Ordered to lie on the table.

POST OFFICE ACTS. — THE BUDGET.

The House having resolved itself into a committee on the Post Office Acts, Mr. Bernal in the chair,—

The CHANCELLOR of the EXCHEQUER said: — Sir, I cannot commence the observations which it is my duty to address to the House on the present occasion, without very earnestly expressing a hope that the House will pay to the statement of the financial affairs of the country for the present year, that attention which its high importance calls for. I must say that I express that hope with confidence; because, on many occasions during the present Session, I have met from both sides of the House with many allowances, and much indulgence. Sir, I wish to explain to the House my reasons for the course which I now propose to take. The resolution with which I intend to conclude, is one undoubtedly of the utmost importance, as I shall endeavour to show, to some of the highest and best interests of the country. But it is, also, of much importance in a financial point of view; and, for that reason, I think it but just and right that the House should be made aware of the actual financial condition of the country, before it is called upon to decide upon another proposition involving fresh financial considerations. My observations, therefore, on the present occasion, will naturally divide themselves into two branches: — First, an exposition of the existing state of the finances of the country; and, secondly, an explanation of the proposition which I am about to make, — a recital of the authorities in this House for and against that proposition,—and a recommendation, on the part of the Government, to the House, that they shall at least undertake the consideration of that proposition — clothed, however, with a condition to which I hold it to be inseparably united. In pursuance, Sir, of this course, I will at once proceed to the first portion of the duty which I have assigned to myself, — namely, the explanation of the present

state of the finances of this country. I cannot approach that subject, however, without first calling the attention of the House to the new position in which, to a certain extent, the House and the Government, of late, and more especially during the present year, have placed themselves. Upon former, and ordinary occasions, whether on going into Committee of Supply, or in stating the income and expenditure of the country, it has been rather the object, and, indeed, it was felt to be the duty, of the individual to whom it fell to make the requisite explanations on the subject, to show to the House that all possible efforts had been used to push the principle of retrenchment in the expenditure of the country to the utmost possible extent consistent with the public service, — that every estimate had, as much as possible, been confined to the least possible wants of the service for which it was intended; and also to be prepared to meet objections founded on views of economy, as being those that were most likely to be urged by the representatives of the people. But I must remind the House that, of late, — and more especially in the course of the present Session,—the relative position of the two parties — of which I speak, however, not as a matter of reproach, but of history—have been different;—that we have not gone into one Committee of Supply, without being threatened with amendments, not of the old character, or mooted only with a view to the reduction of the estimates, but, on the contrary, for the purpose of increasing them. If we are about to go into the navy estimates, we are told, in contradiction to the assertions of the authorities presiding over the Admiralty, that the navy is incompetent to represent the honour, and to maintain the rights, of England, and that the Government will forget their duty if they do not largely add to the estimates, and greatly increase the navy. In like manner, if we discuss the estimates for the marines, the ordnance, or the half pay establishment, — no matter, in fact, in what branch of the service, — we are met at every turn, and under every circumstance, with complaints that we do not carry the expenditure of the country far enough; and invitations are given,—nay, more, a little compulsion is often resorted to, — on the part of the House, to cause the Government to carry the expenditure for the different branches of the public service much further than the extent comprised in the estimates. In like manner has the House acted with regard to the miscellaneous votes. There can scarcely appear in the public prints, or there can scarcely be urged on the part of private individuals, any personal claim, or any claim affecting a class, that such claim does not at once find able, efficient, and, I regret to add, sometimes successful advocates in this House; and that the Government are not compelled to propose many votes, which they never contemplated or considered necessary. I repeat, that I am not alluding to these things as matters of reproach, but mentioning them as matters of history.

Again, Sir, alterations are made in our laws, pregnant, no doubt, with very great improvement, but, at the same time, attended with very considerable expense. The system adopted — and, I think, wisely and effectually adopted — with a view to the improvement of many of our most valuable institutions, whilst it has effected an improvement and saving to the local public, — if I may so designate separate parts of the community, — has cast upon the general public, as represented in this House, a new and increased expense. The Poor Law Amendment Act, for instance, which I am far from feeling disposed, in the slightest degree, to undervalue, — on the contrary, I look back to my connection with the Government who carried that measure as one of the proudest circumstances of my life; — but the Poor Law Amendment Act, whilst it has saved to the counties and the agriculturists very considerable sums, has entailed upon the general public, as I see by the estimates, an advance of no less than 73,000*l.* for the present year. In like manner, this House was besieged with petitions, to give to the community at large, and more especially to the dissenting portion of the community, a good system of registration. Well; a system has been devised, which has gained the assent of both Houses of Parliament. I presume, and believe, that that system is a good one; but, again, while the benefit has been conferred upon the public, it has to be paid for; and it appears on the estimates in the shape of a sum of 20,000*l.* In like manner, the Tithe Commission, this year, costs the country 32,000*l.*; the factory inspectors, 8000*l.*; inspectors of prisons, 5600*l.*; with many other charges of the same character, which have only been introduced in later years, which burden the public to a large amount, but for which the House has considered the Ways and Means is bound to supply the funds. In like manner, there are many other matters of a pressing character, which the Government has, of late, been called on to undertake. There is the great

system of steam communication throughout the world, — the steam communication with India, — which costs the country 100,000*l.* a-year, and to which the general public contribute but little. There have been, also, many measures of benevolence and charity undertaken of late years; — there is the interest upon the West Indian loan for the emancipation of the negroes; the grant for the education of the negroes in the West Indies, which the Government has taken up; and also the education of the people of this country, which the Government has most properly undertaken. You have voted large sums for these purposes of benevolence and improvement. You make improvements which, while they confer great benefits on the public, also entail a large expense on the state. For instance, the communication which is the subject I have presently to refer to, — the communication of letters. You have, now, a railroad communication open throughout a great part of the country; and of course the corresponding portion of the public have a right to the full benefit of such communication. The Government is bound to give it, and the public will not be satisfied without it; but it costs you a very large sum. On one single line of communication I had an opportunity, lately, of comparing the expense which was incurred before the introduction of railroads, with that which is now incurred for Post Office communication, and I find the former sum of 7000*l.* increased to 30,000*l.*, in order to give the public the benefit of railroad communication. I am not complaining of all this; I am only showing the various causes which have compelled the Government, in modern times, to increase the expenditure of the country.

Sir, the consequences of many of these causes — and I may add more especially the sense of duty on the part of the Government itself — have led, in the present year, to a great increase in the estimates; and to that, in the first instance, I wish to call the attention of the House. The estimates for the army, for instance, in the year 1838, were 6,322,000*l.*, while the estimates in the present year are 6,563,000*l.* The estimates for the navy in the former year were 4,807,000*l.*, and for the present year 5,197,000*l.* The estimate for the ordnance in the former year was 1,546,000*l.*, and in the present year it is 1,732,000*l.* In short, Sir, on the three great branches of the public service there is an increase of 812,000*l.* on the estimates of the year, without taking into account any extraordinary expenditure for Canada. The increased charge for the year is, on the whole, 912,220*l.* What is my object in stating these things? I wish, in bringing practically before the House the whole state of the finances of the country, to remind them of that which they are very apt to forget, — that, when in Committee of Supply, they are somewhat in the position of individuals who are disposed to incur debts without considering their means of paying them. I wish the House to consider, in future at least, that if they feel disposed, when in Committee of Supply, to sanction any very lavish expenditure of the public money, they must not afterwards quarrel with the individual whose duty it may become to call on them to make provision for such additional expenditure.

Sir, I shall now proceed to compare my statements in the Budget of last year with the actual results of the income and expenditure of this year; and then I shall proceed to make my statement of the probable income and expenditure of the year now to be provided for. This I shall do, Sir, abstracting for the present all consideration of the extra charges on account of Canada, which I shall reserve for a subsequent part of my address. Last year, I stated my calculation of the income from the Customs at 20,795,000*l.* The Customs revenue, however, have produced, up to the 5th of April last, 21,210,000: thus showing an improvement on that branch of the public revenue, and at the same time proving that the calculation I made was not erroneous. The revenue from the Excise I calculated, last year, at 13,902,000*l.* It has, however, fallen short of that estimate, — the actual amount of revenue from that branch having been, up to the 5th of April last, only 13,729,000*l.* The cause of this miscalculation was, that I apprehended I should have been right in taking the average of the two preceding years, and that I should have been 2000*l.* over the mark, had I taken the average of the three preceding years. My calculation of last year as to the stamp duties has been somewhat exceeded. I assumed that the stamp duties would produce 7,001,000*l.*; they have produced 7,043,000*l.* The taxes I calculated at 3,654,000*l.*; they have produced 3,700,000*l.* The Post Office I calculated at 1,683,000*l.*, it has produced 1,674,000*l.* The miscellaneous taxes I calculated at 279,000*l.*; they have produced 474,000*l.* This, however, is not so much an excess, as a temporary accession arising out of a payment received from the Canadian Treasury, under the provisions of the Canada Act. The total amount of my estimate was 47,271,803*l.*; the amount actually re-

ceived has been 47,683,118*l.* Here, then, is an excess of 611,315*l.*; and I think the House will see that, calculating on so large an expenditure as 47,000,000*l.*, it would be scarcely possible to expect a nearer approximation, especially when it is borne in mind that this excess of 611,000*l.* is an excess in receipt, and not a saving of expenditure.

SIR ROBERT PEEL. — What is the state of the corn duties?

The CHANCELLOR of the EXCHEQUER. — I am glad the Right Honourable Gentleman opposite has asked a question in reference to the state of the duties on corn, because a most singular misapprehension has prevailed, and been circulated, on that subject. Those who argue, with reference to the last year's revenue, that it must be materially affected by the enhancement of the corn duties, little think that high prices with low duties, although they cause a large importation of foreign corn, produce a very small increase of revenue. I know that the Right Honourable Gentleman does not labour under the prevalent misapprehension on the subject, and I am therefore dealing only with the misapprehensions of others. I shall be able, however, to tell him the difference between the corn receipts of the two years I have compared, which is the object he no doubt has in view. Those years are 1837 and 1838. The duties upon foreign corn, received in 1837, amounted to 306,860*l.* In the course of the last year they amounted to 146,000*l.*: so that if it had not been for the circumstance to which Gentlemen have attributed a large increase of the public revenue, there would have been a much greater revenue, for the result is just the reverse of what Gentlemen have supposed; — but I shall advert to this point again hereafter. To return to the general statement: I have shown the excess of the receipt to have been 611,315*l.* above the estimate of last year; but I wish I could, on that account, state that the result is satisfactory. I regret to state that the result is not so satisfactory as I could have wished, — because, whilst the income of the country has exceeded my previous anticipation, the expenditure of the country has exceeded my estimate in a much larger proportion. That expenditure has thus exceeded my expectations, by reason of the events in British North America, mainly; but there are other circumstances connected with the state of the country, which have also added to the excess. I shall proceed, now, to compare my estimate of the expenditure with the actual expenditure, as I have compared my estimate of receipts with the actual receipts. The estimated interest of the public debt, funded and unfunded, was 29,380,000*l.* The expenditure was 29,427,000*l.* The charges upon the Consolidated Fund were estimated at 2,400,000*l.* They amounted to 2,388,000*l.* The estimate of the army is that upon which the main increase has taken place. For reasons which I shall afterwards explain, it is put down to the army, but covers a considerable branch of the expenditure which has been applied to other purposes. The army vote was 6,822,000*l.* That was my estimate of last year. The expenditure has amounted to the sum of 7,201,000*l.*, the cause of which I will explain as I pass on, — I am merely dealing with the figures now. The navy estimates amounted to 4,811,000*l.*, and the expenditure to 4,690,000*l.* The estimate of the ordnance was 1,546,000*l.*, and the expenditure 1,381,000*l.* Therefore the total expense of these three branches of the service, the great services, would have stood thus: — Estimate, 15,226,987*l.*; expenditure, 15,952,266*l.* The miscellaneous estimate was 2,545,000*l.*, and the expenditure upwards of 2,652,000*l.*, including 500,000*l.* for Canada. The total estimated expenditure was 47,477,808*l.*, and the actual expenditure has been 48,263,444*l.*, — showing an excess of expenditure of 785,556*l.* Now, Sir, any Gentleman who will do me the honour of recollecting the statement which I had then the honour of making, will bear in mind that my statement of last year showed an apprehended deficiency of 206,000*l.* The actual deficiency produced by the excess of expenditure on the 5th of April, in place of being 206,000*l.*, amounted to 430,000*l.* That shows a difference of 224,000*l.* This is according to the balance sheet of April. Perhaps I may have made a mistake, but the balance sheet of April, according to my anticipation, would have shown a balance of 206,000*l.* That anticipation was formed without taking into account the extraordinary circumstances that have arisen in the course of the last year in Canada, to which I shall call the attention of the House hereafter; and I think the House will see that it is not a very unpardonable fault, that in the statement of the income, as well as the expenditure, there is a difference between the anticipation made twelve months back, and the result, as now shown, of no greater a sum than 224,000*l.* I certainly had feared the discrepancy would have been much more, and I am gratified at finding it so little.

Sir, before I go into the causes of this increased expenditure, I may be allowed

to say a very few words on the subject of the income side of the account. I shall not trouble the House with details of the lesser branches of the revenue; but Honourable Members will expect from me some account of the great branches of the revenue during the last year, in order to guide them in their calculations and anticipations for the next year. I hold in my hand a Return from the Customs, giving an account of the increase of the last year as compared with the preceding; and I find that, as regards the greater articles of importation, there has been, in many of the most important of them, an increase which, although not very great, has yet been steady and progressive. In the articles of sheep's wool, cotton wool, timber, wine (except some foreign wine, in which there has been a small falling off), tobacco, tea, sugar, oil, and in many branches of spices, the increase has been, in some cases, 3, 4, 5, 6, and 7 per cent.; and in others the increase has been very much larger. In the article of sheep's wool, for instance, the increase has been 31 per cent., and in cotton wool 22 per cent. The various ratios of increase are fully stated in the Return; but I will not trouble the House with the details now. On the other hand, in some articles, the Customs duties have decreased; but those are articles not of very great importance, nor has the decrease been considerable in extent. One of the articles is of importance, — raw and thrown silk; but the decrease on that is but ¼ per cent.; and the only article of any importance on which the decrease has exceeded a small fraction, is tallow, on which there is a diminution of 9 per cent. But, on the whole, the Customs revenue for the last year has been, on the gross Return, most satisfactory, and evidences a most thriving state of trade. To come to the Excise; — on many of the most essential articles there has been a considerable increase; on others, there has been a diminution, — but that diminution is to be partly attributed to the circumstances attendant on the late harvest. For instance, there is a diminution in the duty on hops. There is also a diminution of 15 per cent. on malt. On bricks, also, there has been, to a certain extent, a decrease of duty. On those branches of the glass trade in which there has been no reduction of duty, there has been a small diminution in the amount received upon the year; but upon that branch of the trade, as to which, some years ago, I had the honour of proposing a reduction of duty, — I allude to plate glass, — there has been a considerable increase. On flint glass there has been a steady progressive increase, whilst there has been a falling off on crown glass. But this fact must be taken with reference to the increased use of plate glass; for no person can pass along the streets without observing that the use of plate glass has become one of the luxuries of the time. As compared with the three preceding years, there is an increase of 15 per cent. on plate glass, and on flint glass of 6 per cent. On licences, also, there is an increase; and on the paper duties, on which I had the honour of proposing a reduction of the duty, there has been an increased revenue of 10 per cent. There is, moreover, an increase on both kinds of soap, and, again, on spirits. In short, I think there is nothing in the state of the Excise revenue, although the total amount is less than that at which I estimated it, that can for a moment create the slightest possible doubt or mistrust in the country. Where there has been a diminution, the causes have been connected more with the seasons than any other reason. With regard to the stamps and taxes, I do not see that any observation is called for from me. My estimate has been exceeded in the Return by a few thousands. Circumstances, however, will occur under these heads, on which it is impossible to calculate. The amount of legacy duty, for instance, may vary in particular quarters, without exercising any permanent effect on the revenues of the country.

I will now proceed to the Post Office revenue, and explain the reason why there is a falling off in the receipts from that branch of the revenue. The gross amount of the Post Office revenue is as much as I had anticipated; but the reason why there is not such a large net amount of revenue from this department is, that the heads of that branch of the revenue have been — as, indeed, is their duty — exerting themselves, in every possible way, to promote and increase the accommodation of the public, — by such means, for instance, as sending the mails by railroad. This, as I have before stated, has led to an increase of expenditure, and to a diminution in the net receipts of the Post Office. At the same time, however, there has been a gradual increase in the gross amount of the Post Office revenue for some time past, which is made obvious by a paper from that department, which I have before me. This Return takes a certain amount of revenue from each division of the Post Office, and shows the increase that has taken place in each

class. On an amount of 120,000*l.* received within a certain period of last year on unpaid letters outward, there has been an increase, within the same period of this year, of 9000*l.*; on 114,000*l.* received during the same period for unpaid letters inland, there has been an increase of 12,000*l.*; on 167,000*l.* received for letters by bye and cross roads, there has been an increase of 7000*l.*; on 52,000*l.* of the gross receipt for Scotland, there has been an increase of 4700*l.*; on 62,000*l.* of the gross Post Office revenue of Ireland, there has been an increase of 3400*l.*; on 34,000*l.* for the twopenny post delivery, there has been an increase of 3800*l.*; on 18,000*l.* for the receipts from the West Indies and British North America, there has been an increase of 1400*l.*; and on 19,000*l.*, which was paid for foreign letters, there has been an increase of of 2100*l.* Taking the same period, also, in the whole of the miscellaneous receipts, there has been an increase of 916*l.* Therefore, upon a total amount of 588,000*l.* of the Post Office revenue, there has been an increase, within a comparatively short period, of 43,382*l.*, — being an increase of 9 per cent. on the April quarter of this year. A great many calculations have been made on the decay and falling off in the Post Office revenue; but the result shows, as in this case, that where there is a falling off in the net revenue of the Post Office, it often happens in consequence of greater expense being incurred by that department, with the view of giving increased accommodation to the public.

There is also an increase in the expenditure, under the head of Army Extraordinaries. It is only just to my Noble Friend the Secretary at War, and the War Office, to state that the greater pressure, on almost the whole of this increase, has arisen in consequence of the extraordinary expense which it was necessary to incur in Canada, as I shall presently proceed to show. To those Gentlemen who are at all conversant with the nature of the expenditure for military service in the colonies or abroad, it is perfectly needless to enter upon any explanations as to some additional charges that may appear; but to others, who have not had opportunities of becoming acquainted with matters of the kind, some explanation may be necessary. Suppose, for instance, that the Governor of Canada considers it necessary to order a steam boat to be equipped; when the Governor directs this equipment to take place, he directs an issue for the purpose to be made from the military chest, in order to defray the expenses. A bill is then drawn by the officer of the commissariat to answer the purpose of a draft, on the military chest. The charge is thus sent home; and ultimately, on the adjustment of accounts, it is determined to which branch of the service the charge belongs; but it must be made under this head at first, in consequence of the commissariat department having to make the advance. It is only in the settlement of the commissariat accounts that this adjustment is made,—when, after proper examination, the charges are apportioned and settled between one department and another.

The expense incurred in Canada I shall now bring under the attention of the House, — keeping back nothing — concealing nothing — distorting nothing — but putting the House, as fairly and as fully as I can, in possession of what I believe will turn out to be the *maximum* of charge under this head, to which, from the probabilities of present circumstances, this country will be subject, up to the end of 1840. I have not got the complete accounts to a later date than the 31st of March, 1838, — that is, the complete and final accounts are not made up to a later period than that date; but I have the means of fixing what I believe will be found to be a correct estimate to a much later period. I have received some accounts within the last three days, which furnish me with materials for this estimate. In consequence of my not having received all the accounts on this subject, my annual finance statement has been delayed, as it was essential that I should give as clear and full an account of the extraordinary expenditure for Canada as was possible. I repeat, the cash accounts have only been obtained within the last three days. I will first go to the extraordinary expenses incurred in Canada, since the period when the circumstances occurred in that country to call for them. The extraordinary expenses incurred in Canada, in 1837–38, amounted to 245,620*l.*; the extraordinary expenses in the following year were 701,400*l.*;—making a total of 947,020*l.* of extraordinary expenditure for the years 1837–38 and 1838–39,—that is, to the month of April, 1839. This includes every article of extraordinary expenditure incurred in Canada, according to the best information I have. For this amount, a vote has been taken, on account, of 500,000*l.* Deducting that sum from 947,000*l.*, there will remain a balance of 447,000*l.* to be provided for. This disposes of the expenditure of the two previous years. I now come to the possible expenditure of the present year for Canada. I shall take the total expenditure which bears on the subject at 1,101,300*l.*;

that is, for the year ending April, 1840. I have stated the *maximum* total expenditure for the last year; but there may be some charges which may not be placed to the proper account. I have taken the last cash accounts, which I have received within the last three days, and these are the only accounts which I have to deal with at present. Of this sum we have already provided for 500,000*l.*, which has been voted on an estimate. In the army, navy, and ordnance estimates, the ordinary charges are given, of the force in Canada. This I do not mean to deal with at present; but there are certain other charges in the Ordnance Extraordinaries, which may be taken. Adding this amount to the sum I have just mentioned, we shall have the sum of 594,700*l.* provided for by estimate. Deducting this from the charge of 1,101,300*l.*, there will remain a balance to be provided for, of 506,600*l.* If this sum be added to the surplus of 447,000*l.* arising in the two previous years, it will appear that the total extraordinary expense incurred in Canada for the three years, and not yet provided for, is 1,053,000*l.* The amount, then, which the House has to deal with, above the 500,000*l.* taken last year, is 1,053,000*l.*,—which is, undoubtedly, a very large sum, and it is very much to be regretted that such an expenditure should have been called for.

It is not my purpose to enter, now, upon a discussion of the Canada question; but I believe that I shall have the concurrence of every Gentleman present, when I state that, in the situation in which Canada was placed, both in her outward relations and as regarded her internal tranquillity, the Government would have been guilty of the basest neglect of duty, if they had suffered any branch of the service to be in a less efficient state than appeared to Sir John Colborne and the other authorities in Canada to be expedient, or had refused to send out such additional force as was called for by them. The House knows, perfectly well, both the extent and the nature of the boundary which the military force in Canada has to guard, and that the general commanding there has to provide in every way for the defence of the territory; and that, therefore, a large military force is absolutely necessary. We had better, on every account, at once determine to give up the colony, if we are not prepared to defend its inhabitants from attacks of external as well as of internal enemies; and, if we are determined to do so, it is our duty to do it effectively. I will now proceed to state the nature of the force in Canada. The Horse Guards' Return does not give the ordnance force in that country, as that is given in a separate paper. In 1835, the military force in British North America was 4611. So it continued in 1836 and 1837. For these three years, this was the amount of the ordinary average force in those colonies. In January, 1838, the number was 5089; in April, 1838, it was increased to 7439. On the 1st of January, 1839, the number was 13,217 effective rank and file. I have said nothing respecting the artillery, because I have not got that Return before me. In addition to this regular force, there is, at present, a very large irregular force in Canada. The number of the sedentary incorporated militia in Upper Canada is 21,300; the number of volunteers enrolled in Lower Canada is 3700; and the number of local and stationary militia is 8038;—so that, in addition to the regular military force in Canada, there is this armed body of 33,067 men. I hope my Honourable Friends will not think that I am anxious to lead them into a political debate on this subject; my wish and intention is, to confine myself to the discussion of the finance question. The House will see that the increase of the regular force has been very great in Canada; but the increase of the irregular force, there, has been still larger, and which necessarily must be attended with a great outlay. This, I think, will account for the additional expense of upwards of a million above the average expenditure for this colony. This great increase in the number of regular soldiers in Canada has been made without adding to our army, as we have been enabled to effect a great diminution in the amount of the forces in Ireland. I need not add that that operation has been attended with a great diminution of expenditure there; and it is a state of things very different from what prevailed formerly there, and must afford the greatest satisfaction to all persons.

Mr. GOULBURN. — May I ask whether the Right Honourable Gentleman has stated the amount of the expense of the irregular force in Canada?

The CHANCELLOR of the EXCHEQUER. — The exact amount of the expense incurred by that description of force is not before me; but I shall be most ready to furnish my Right Honourable Friend with any information in my power. The House must be aware that it is much more difficult to procure accurate Returns respecting the charge for this description of irregular force, than for the regular army there. It would be much easier to furnish a Return of the expenses of the whole British army in its quarters, tha-

to give the details of the expenses of this irregular force in Canada. I was about to draw a distinction between the increased military establishment in Canada, and the diminished force which it is found necessary to keep in Ireland. In the year 1797, when the disturbances began in Ireland, the army then amounted to 78,000 men, and the expenditure was 2,600,000*l.*; in 1798, the number of soldiers there was 91,000, and the expense was 3,900,000*l.*; in 1799, the military force on foot there was 114,000, and the expense amounted to 4,100,000*l.*; in 1800, the military force there was 53,000; in 1810, it amounted to 85,000 effective men; in 1820, it was 20,900; on the 1st of January, 1835, it was 16,347; and on the 15th of June, — which was the last Return, and the nearest approach to the present time for which a Return could be made up,—in the place of 35,000 men, which there were in 1810, there was no larger force required for the maintenance of the tranquillity of that country than 12,000 men. This is a smaller force than it has been thought expedient to keep in Ireland since the time of the Union. It was owing to the tranquil state of Ireland that the Government had been enabled to make such exertions, and to despatch such a strong force to Canada. If the state of Ireland had made it requisite to have 35,000 men there, as was the case in 1810, we could not have increased the military force in Canada to 12,000, without adding greatly to the army, and thereby incurring a great additional expenditure.

I have endeavoured to show the comparative estimate of the income and expenditure of the last year with the actual Returns. I will now proceed to state what I anticipate will be the income and expenditure for the next year. I have already shown to the House, that the amount of the estimates has been largely increased this year,—I find, to the amount of 919,000*l.* The estimates of the Customs duties, as furnished to me by the heads of that department, and which I have the most perfect reason to trust to, as accurate Returns, (tested as they have been by past experience), I take at 21,500,000*l.* The estimate of the Excise duties, taken on an average of the last three years, and being within a few pounds of the receipts of the last year, I take at 13,845,000*l.* The estimate of stamps I take at 7,054,000*l.*; of taxes, at 3,694,000*l.*; of the Post Office, at 1,585,000*l.*; and of Miscellaneous, at 250,000*l.*; to which may be added revenue from the Crown lands, amounting to 200,000*l.*; — making, together, a total of income of 48,128,000*l.*

Before I proceed further, I wish to say a word or two respecting the revenue derived this year from Crown lands,—about which many mistakes, and great misapprehension, seem to prevail. It has been asserted that the Government did not obtain the amount which was given in the Finance Returns under the head of Crown Lands, in the shape of revenue, but got it from the sale of Crown lands. This is an entirely erroneous view of the subject; and if we had raised the money so, without stating the fact to the House, we should have been guilty of a gross breach of trust and public duty. It is, however, no such thing; as the whole amount that has been stated was brought to account from the income of Crown lands. It has been asked,—How is it that no revenue of the kind has been received or accounted for in former years? My answer is, that nothing of the kind has previously appeared, because this revenue has been absorbed in paying off a very considerable debt that had been incurred on the Crown revenues for public improvements; and now that that debt has been paid off, this revenue is brought to account. If any Gentleman be not satisfied with this statement, I hope that he will renew the subject, and call for further explanation, which I shall be most ready to tender to him. But, after the explanation given by me on a former occasion, on this matter, it was stated, out of doors, that the public accounts had been mystified on this head, with the purpose of misleading. I challenge any investigation on this point; and I trust that, if this explanation be not satisfactory, some Honourable Member will call for further explanations. I will now proceed to the probable expenditure of the ensuing year. I take this at the ordinary expense of the year, and without allowing for extraordinary expenditure, as for Canada last year, which was 1,000,000*l.* I take the charge for the interest of the debt and Exchequer bills, at 29,443,000*l.*; the charge on the Consolidated Fund, the same amount as last year, at 2,400,000*l.*; the army, 6,563,000*l.*; the navy, 5,197,000*l.*; the ordnance, 1,732,000*l.*; miscellaneous, 2,652,000*l.*; —making a total expenditure of 47,968,000*l.* This would show a surplus in the income over the expenditure—certainly of very small amount, but still an excess of income over the expenditure—of 140,000*l.* I have made allowance for increased estimates to the amount of 900,000*l.*; but I do not make any provision for the extraordinary expenditure of 1,000,000*l.* for Canada, above the vote of 500,000*l.* taken last year. This is not a state of things which can be regarded as satisfactory; and if I thought that the extra expenditure for Canada was likely to become a permanent charge, I should

feel it to be my duty to come down to the House to propose that provision should be made accordingly, and I should think it incumbent on me to propose a tax to meet this charge. But this charge of 1,000,000*l.* does not apply to the service of the present year, only, but, also, to an arrear of charge for services for two years anterior; and the whole of this extraordinary expenditure is not one which I can contemplate as a permanent charge on the country. God forbid that Canada should continue to call for such an expenditure, and that we should not see the time when this charge may be greatly or entirely reduced! If this expenditure arose from circumstances of a temporary nature, I do not think it would be prudent, or that I could with justice ask the House, to impose a permanent tax to meet this charge. On some future occasion, when I shall have laid the papers on the table of the House, I will propose to provide for the deficiency that arises, by a vote of Exchequer bills, or by a vote of credit. I will not now go into the subject, but I will merely suggest the course that I intend to take.

I cannot leave this part of the subject without saying, that while there are some matters which I have recited that are not satisfactory, it would be well to turn our attention to other things which are in a more satisfactory state than they were last year. This time twelve months, there appeared on the balance sheet of the year to be a deficiency of 1,458,000*l.* In the year ending 5th of October, this deficiency amounted to 755,000*l.*; and on the 5th of April it was reduced to 394,800*l.* Unquestionably, there is every reason to hope, if there be no violent disturbance of the tranquillity of the country, that the finances will go on improving. And I may be permitted to remark, that, if it were not for the state of excitement and disturbance which has prevailed, the financial situation of the country would have been free from all cause of alarm. I should not have had anything to explain of more than an ordinary nature; but the extraordinary circumstances that have occurred have rendered this statement necessary. There are many incidents connected with the great interests of this country at the present time, which it behoves the House well to consider, as bearing on the finances of the country, and which it will be necessary to deal with, with great prudence. Is there any Gentleman in this House who has considered the circumstances in which we should be placed were we to have a similar harvest to that which we had last year, and thus be exposed to the consequences of the failure of two consecutive harvests? Is it possible to look without dismay to what may be the probable results of another failure in the crops? It is satisfactory to find, on the other hand, however, that the value of our exports have been increasing gradually and progressively; and that the exports from this country last year were greater than in any previous year, except 1836, when the amount of exports was prodigiously large, in consequence of particular circumstances. The amount of the exports of articles of manufacture of England and Ireland, during the year ending April last year, was 42,000,000*l.*; while the exports for the present year, ending April last, were upwards of 50,000,000*l.* The Returns for the five months of this year show the same ratio of increase as there was last year. If, however, circumstances occur such as to cause the value of money to increase, and prices be affected accordingly, an important change will take place. If the prices of goods be largely increased, the revenue will be very soon considerably lessened; and, I would ask, under the circumstances that have occurred, whether it would not be alarming if a demand for food, from abroad, should again occur? I am sure that I need not point out to Honourable Gentlemen the difficulties that would arise from such a state of things. I hold in my hand a Return, which I perhaps should have referred to, when I was asked by the Right Honourable Gentleman a question on the subject of the corn duties, and when I stated what a small amount of revenue was received from the duties on foreign corn last year, notwithstanding the large quantity imported into this country. The House has a right to know the quantity of foreign corn that was imported into this country, and the circumstances under which this supply was obtained. The quantity of wheat and flour imported into this country between the month of August, 1838, and the month of May, 1839, was not less than 2,591,000 quarters. Taking the estimated value of this, as nearly as it can be got at, I believe that it would be at least 7,126,000*l.* This is a most ruinous coincidence, which must be obvious to Honourable Gentlemen who feel any apprehension for the great interests of the country, and who consider that this large quantity of imports is not the result of a steady trade, and the consequence of a regular demand, but that it has arisen from a deficiency, and that it was necessary that these imports should be paid for in bullion. It should not escape consideration, that this large importation of wheat has led to the diminution of the

amount of bullion in the Bank of England. If this be regarded, the coincidence will be found which must suggest to the minds of Honourable Gentlemen many important considerations. I refer to this as bearing upon the question of the diminution of bullion in the coffers of the Bank. If this pressure be continued on the Bank, and there be a continued diminution of the stock of bullion, attended with a consequent effect on prices, you have a coincidence not only deeply affecting the Bank, and the portion of the trade I have just mentioned, but one which must do great injury to the best interests of the mercantile classes.

SIR R. PEEL. — May I ask from what period the Right Honourable Gentleman takes the Returns of the imports of foreign corn?

The CHANCELLOR of the EXCHEQUER. — I thought that I had stated it from August, 1838, to May, 1839. The average duty paid on this large amount of foreign corn was 1*s.* 7*d.* the quarter; while, in the previous year, the duty was 1*l.* 5*s.* the quarter. I have been accustomed, on occasions of this kind, to refer to Returns respecting Savings Banks. Nothing can show the practical good sense of the people of England more completely, than the conduct of the depositors in the savings banks; for, during the late period of excitement, the greatest exertions were made by ill-advised persons to induce a run on the savings banks. I cannot say whether these were so made by those persons who call themselves Chartists, or by other persons. I know that some of the leaders of that class would not lend themselves to such a proceeding; but others have done so, and have exerted themselves to excite a disposition to cause a run on these banks. In some places, such a result has been produced for a short time. I relied, however, on the general good sense of the depositors, and I felt confident that it would be considered that those who withdrew their amounts would be the sufferers. This is the case now, because, under the existing law, it is much easier to withdraw money from the savings banks than to replace the amount. The mass of persons who were depositors in savings banks knew, too well, their interests and duty, and would not allow themselves to be led away by such inducements or excitements as I have described. I have before me the Returns of the savings banks between the years 1834 and 1838. I will only take the last two years; and I find that, in 1837, the amount of money received in the savings banks was 988,000*l.*; while, during the same period, the amount paid out, exclusive of interest, was 810,000*l.* In the year 1838, the amount received was 1,495,000*l.*; while, during the same year, the amount drafted out, exclusive of interest, was 468,000*l.* This Return shows how very slight has been the effect produced by the excitement. I also hold in my hand a Return of the number of depositors, and the amount of their deposits, between the 20th of September, 1837, and the 20th of November, 1838, during which there was much political excitement; and I find that the number of depositors who paid in money was 67,696, and the amount was 1,792,139*l.* After this, we may place perfect reliance on the assertion that the depositors in savings banks will not be easily led away by any outcry or political excitement that may prevail.

I have now given a statement, as nearly as I can, of the probable state of the financial year, and I shall proceed to the next branch of my subject. I thank the House for the patient attention it has paid to the preceding part of my statement, and I will now proceed to apply myself to the resolution which is before the House, and which I am about to move. I may be allowed, in the first instance, to anticipate an objection, and to answer it, as far as I can, by anticipation. Sir, it may be said to me, — "By your own showing, — on your own statement, — you have a surplus over the ordinary expenditure as compared with the income, of no more than 113,000*l.*, with, on the other hand, an absolute necessity of making good, from the public credit of the country, a sum of no less than 1,000,000*l.*; how, then, are you justified in making a proposition that may affect a large branch of the public revenue?" Sir, if my proposition were, — to proceed to reduce the postage on letters to one uniform rate of 1*d.*, without making good the deficiency of revenue which might ensue, I should expose myself, not only to the censure of the House and of the public, but to the ridicule and scorn of men of common sense. But, Sir, that is not the proposition I am about to make, or which I should at all think myself justified in making. In all the communications which I have had with gentlemen who feel interested in the subject, on both sides of the House, I have invariably maintained the same language to them, — that I do not think it would become me to propose, and still less would it become the House to agree to, a proposition, that the House should make this great change in so large

an amount of the public revenue, without, at the same time, and by the same vote, pledging itself to make good any loss which might be sustained thereby; and I must say, in justice to the various gentlemen to whom I have stated this proposition, that I have not met one among them who was not prepared to sanction such a view of the subject. Sir, I should never think of advocating any proposition like the present, but as coupled with this condition; and my resolution and my Bill are both coupled with it. I repeat, Sir, I state fairly to the House that I shall not think myself warranted in supporting the measure I now recommend to it, unless it be accompanied by a distinct pledge that Parliament will undertake to make good the full amount of deficiency that may be occasioned by the alteration. The mode of proceeding which I shall propose is this: I shall propose a resolution; and if that be agreed to by the House, a Bill will be founded on it, and presented to both Houses of Parliament. By this course of proceeding, whatever the abstract merit of the proposition may be, I hope to satisfy Gentlemen on both sides of the House. Had I proposed to effect the object merely by resolution, I should, I know, have satisfied many Honourable Members; but, on the other hand, I might have been met by Honourable Gentlemen opposite with this objection, which I have already heard; — "Why do you proceed by resolution in taking so serious a step as this? Do not let us be committed to the whole question by a single vote; but give us, by a Bill, the opportunity of testing the measure in its various stages;" — and I should be further required not to exclude from the deliberations on this very important measure, the other branch of the Legislature. I trust, Sir, that Honourable Gentlemen on both sides of the House will think that I have thus acted in the most advisable, as well as in the most fair and open, manner. What, then, Sir, is the purport of the resolution? and what will be the purport of the Bill? The purport of the resolution is this: "That it is expedient to reduce the postage on letters to one uniform rate of 1*d.*, chargeable on every letter of and under a weight to be hereafter fixed by law, the parliamentary practice of franking being abolished, and official franking being placed under strict regulations; this House pledging itself, at the same time, to make good any deficiency of revenue which may be occasioned by such alteration in the rate of postage." I propose, if this resolution be assented to, to introduce it into the preamble of the Bill which I shall afterwards introduce. If the committee, on the other hand, will not pledge itself to make good the deficiency, I shall abandon the Bill altogether. And should any Honourable Gentleman, on either side of the House, undertake the management of the question under such circumstances, he will find me as steadfastly opposed to the measure, without this pledge, as the House will find me a steadfast, earnest, and eager friend of the measure, if I have the means of carrying it into effect in the only way in which it can be honestly carried out, — namely, with it.

Before I go into the details of the plan, the committee will allow me to say, that if there were, at the present moment, a surplus income of three or four millions, I might be very much disposed to say that this was an experiment which, without any pledge at all, it behoved the House to make; but, with an expenditure and income in the state which I have explained to the committee, it would be clearly impossible for any person, who reasons justly, or who properly considers his political duties, to say that he would risk a million and a half of the revenue of the country without at the same time binding ourselves to make good any resulting deficiency. I wish, in a few words, to call the attention of the committee to the manner in which this proposition comes recommended to them. In the course of last year, a committee was moved for, and acquiesced in, by me, on the part of the Government, to consider this subject of postage. Of that committee I may observe, though there are points in which I differ from their Report, and on which, indeed, let me say, they differ from themselves, — but of that committee I may observe, that one which has taken more pains to inform itself upon the matters referred to it — or whose collection of evidence was more valuable, as giving the opinions of many of the most intelligent persons of all classes in the country, on the object of its inquiries, — I never remember in my parliamentary experience. They sat for many days, — they examined a great variety of persons; and though the proposition I have to submit differs from that which they have suggested, I fully believe they would have sanctioned it. They concurred in a recommendation to the House, not for the adoption of a uniform penny postage, but for a twopenny postage under certain regulations; but they considered that this twopenny postage could be maintained without any loss to the revenue. Now, Sir, from the best consideration which I have been able to give to the subject, — comparing one proposition with the other, — and, above all,

the evidence taken before the committee, — I find the whole of the evidence, the whole of the authorities, conclusively bearing in favour of a penny postage in preference to a twopenny postage. And, Sir, I am quite sure that, in reference to an experiment of this nature, it behoves me to set to work fairly, and frankly, and largely, in order to come to a satisfactory result; and, further, I conscientiously believe that the public run less risk of loss in the proposition for a penny postage, than it would under a twopenny postage. But, Sir, the Report of the committee, the evidence, and the whole subject, have been, in the mean time, under the consideration of another tribunal, — the public at large. An infinite number of petitions have been presented on this subject from all parts of the country, and from all classes; and I readily admit the weight and authority of petitions. If I add, at the same time, an opinion that many of these petitions would appear to bear the marks of being manufactured petitions, I do not say so, for the purpose of varying the conclusion to which I have come, but for the purpose of putting that conclusion on other grounds than merely the number of petitions or the number of signatures. But some of the petitions are from the inhabitants of single streets, — nay, of single establishblishments, — from workshops, and places of that description. While, however, I state that many of these petitions have this common impress upon them, I find that the mass of them contain the most extraordinary combination I ever saw of representations to one purpose from all classes, unswayed by any political motives whatever, — from persons of all shades of opinion, political and religious, — from clergymen of the established church, — from all classes of Protestant Dissenters, — from the clergymen of Scotland, — from the commercial and trading communities in all parts of the kingdom. It is, however, to be remembered, that while the object of all these petitions is simply a reduction of taxation, — an object which all classes are always ready, respectively, to apply for, — the proposition before the committee, now, is the reduction of the postage charges to a low uniform rate, but on the condition that any deficiency occasioned by this change shall be made up by some other tax. The petitioners have, therefore, to consider, that it is not merely to carry their petitions into effect that I move this resolution, but to do so coupled with the condition of an additional tax, sufficient to make good any resulting deficiency. This, therefore, is the way in which this subject presents itself to the committee. I must state to the committee, — and more especially after the petition which has been just presented by the Noble Lord opposite, from the paper manufacturers of Lancashire, — that I shall not ask the committee at present to commit itself to any matters of detail. I ask them to commit themselves to the question of a uniform rate of 1*d.*, at and under a weight hereafter to be fixed. I do not ask you to commit yourselves to the question of stamped covers, or pre-payments. I have my own opinion on these points; but they are matters which it is impossible to expect Honourable Gentlemen to understand in the present state of the proceeding, so as to express an opinion on, or, still less, to commit themselves to them. I will take, as an instance, the petition I have alluded to. If it were to go forth to the public, to-morrow morning, that Government had proposed, and the committee had adopted, the plan of Mr. Rowland Hill, the necessary result would be, to spread a conviction abroad that, as a uniform stamped cover was absolutely to be used in all cases, — which stamped covers were to be made by one single manufacturer, — a monopoly would be thereby created, that would extinguish, in great measure, all the other members of a most useful and important trade. The sense of injustice excited by this would necessarily be extreme; and I therefore do not call upon the committee either to affirm or to negative any such proposition at all, but simply to affirm the uniform penny postage, and the postage by weight. I do not ask you, either, to pledge yourselves to any details as to the pre-payment of letters; but I am of opinion that, at all events, there should be no power of putting letters into the post without a stamp.

It may be asked why the Government come to the House for any resolution at all, or any Bill at all, on the subject; and it will, possibly, be suggested from the other side of the House, that one object in making a legislative proceeding of it is to gain increased popularity by such mode of proceeding, — being aware, as we are, that the change, sought, is a very popular one. But this suggestion would be ill founded. We might have effected the objects we have in view without a resolution of the House, or any legislative proceeding whatever; but we have come to the House on very different grounds. In the first place, if the resolution be affirmed, and the Bill has to be prepared, it will require very great care and complicated arrangements to carry the plan

into practical effect. It will involve considerable expense, and considerable responsibility, on the part of Government; it will greatly disturb existing trades — such as the paper trade; and existing arrangements — such as those which regard the conveyance of mails, the organisation of many post offices, &c. No; I cannot think that Government would have been warranted in taking this step, of its own authority, without the knowledge and approval of Parliament. The step, indeed, is so important a one, that, even if we had a surplus revenue, we should not feel warranted in proceeding without the sanction of Parliament, though it is quite competent to us to do so by law. It would have been indecorous, — it would have been improper in the highest degree, — it would have been indefensible, — had the Government proceeded without coming to Parliament. Even if we had a surplus revenue of 5,000,000*l.*, we ought to have done so; but, under existing circumstances, it would have been altogether unjustifiable on our parts to have acted merely upon our own authority.

Such, Sir, are the reasons which induce us to apply to Parliament on the present occasion. I will now proceed to state what are the powers which we want, under the Bill. We shall want to take for the Treasury, in addition to the power it has, already, the power of reducing the rate of postage at its will and pleasure. We also want the power of increasing the rate of postage, — a power absolutely necessary to carry out the plan. At the present time there are penny postages established in various parts of the country, the regulations of which are analogous to the twopenny post in London; and, consequently, packets of four ounces weight are conveyed at the rate of 1*d.* in those districts. Now, we cannot, obviously, have a uniform rate of postage by weight, without the power of increasing the rate of postage in such cases. To have a uniform rate, we must reduce the weight to be carried in these districts to the scale which may be fixed under the proposed plan. I may remark, here, that there appears to exist, in many quarters, an idea that, in the case of these penny postages, the proposed penny postage will be imposed in addition; but that is a misconception. The penny postage will be distinctly and simply a penny postage by weight. We want to have the power of taking the postage by anticipation, and the power of allowing such postage to be taken under Treasury authority, by means of stamped covers; and we want the power of rating the postage according to weight, in place of rating it according to the single or double sheet. These are the powers which we want under this Bill; but, inasmuch as they are very large discretionary powers, — though we have many of them at our disposal, already, by law, — I shall have a clause inserted in the Bill, rendering it necessary that these powers shall be exercised by Treasury warrants, — that copies of these warrants shall be laid on the table of the House, — and, moreover, that these warrants shall only stand good till the end of next Session, so as to render legislation necessary in the course of that Session. We only ask the power of making these changes, on our own authority, during the recess. Such, Sir, is the object of the Bill, with which I propose to follow up the resolution. If the proposed revenue is to be collected through the medium of stamps, we must, also, take the power of issuing these stamps, of paying for these stamps, and of making the stamp revenue available for Post Office purposes. The committee may here expect me to state what amount of loss may be likely to arise from this change. I shall not go into any lengthened analysis on this point, because it must be, at the best, mere matter of conjecture, and not at all open to demonstration. Gentlemen may assume that this or that amount of correspondence will be created; but I believe that the ingenuity of no man can predicate, with any degree of closeness or certainty, what the extent of letters will be. I am bound to say that my own anticipation is, that, at the outset, the loss will be very considerable.

[Cries of "Hear, hear!"]

I am, of course, very anxious that this resolution should be carried; but I cannot, on that account, disguise the fact that, in my belief, the loss, at the outset, will be very great. I am the more bound to declare this opinion, — that if I did not avow it, and if, hereafter, the loss do turn out to be considerable, and the House and the public are called upon to pay an equivalent for it, the House might say that I had given them no warning, — that I had deluded them into a vote, — and had paltered with the truth. Mr. Hill supposes the loss will be about 400,000*l.* upon the net revenue of the Post Office. I wish I could believe that it would be so little; but be the loss greater or smaller, by the proposition before the committee, this House will be bound to make it good. It has been sug-

gested to me that, on a future occasion, it may be difficult to get the House to fulfil its obligations, — that it will forget its resolution passed this Session, if it be called upon to make good a large deficiency; — that, if the plan be adopted, a loss sustained, and a tax be proposed to supply that loss, Honourable Members who voted for the resolution will, probably, oppose the tax. Sir, this is a suggestion which I do not, for a moment, give credit to. I fully believe that those who support the present motion, will act honestly and frankly, and will carry out the pledge which they now give; and that they will support any measure contingent upon the resolution they support. If any Gentlemen be not disposed to do this, let them now vote to expunge the latter part of the resolution, and simply vote for the repeal of the present postage charges. But if they vote for the whole resolution, as it now stands, they will desert their duty the House, to the public, and their own honour as gentlemen, if, afterwards, they do not sanction a new tax, should that be rendered necessary by a deficiency.

There is another point on which I have to say a few words, — as to the abolition of the franking privilege. Undoubtedly we may lose the opportunity, now and then, of obliging a friend; but, on any other grounds, I believe, there is no Member of the House who will not be ready to abandon his privilege. As to any notion of Honourable Gentlemen claiming their privilege under a penny postage, — they must have a more intense appreciation of the value of money than I can conceive, if they insist on it.

[Cries of "Hear hear!" and laughter.]

As to the official franking, my idea is, that with some few exceptions, which may be considered hereafter, the business of the various departments ought to be conducted on the principle of each letter paying its own postage. I am aware that it may be said that this will render the accounts complicated, and that it will practically amount to putting money out of one pocket into another; but I think that it will tend greatly to diminish the amount of postage paid in these offices, if each is called upon to give in an account of it. I have, in conclusion, only to add my thanks for the attention which the committee has given to my statement on these important subjects, and to assure the committee that it is the fixed determination of Government, if the Bill be sanctioned, to give it the fullest effect; and to see that, in preparing it for the consideration of the House, it be carefully considered and matured. It now only remains for me to move the resolution, which is as follows: — "That it is expedient to reduce postage to one uniform rate of 1*d.*, subject to regulations with respect to weight to be hereafter fixed, — that the parliamentary privilege of franking shall be altogether abolished, — that official franking shall be placed under strict regulations, — and that this House pledges itself to make good any deficiency in the revenue, should the alteration cause the expenditure to exceed the receipts."

On the resolution being put,—

Mr. GOULBURN said: — I rise, Sir, to address the House under circumstances which I feel to be of no inconsiderable difficulty, — and they arise, in a great degree, from the course which my Right Honourable Friend has thought it proper to pursue, in bringing forward, upon a resolution which involves a great change in one branch of the finances of the country, the general financial statement of the year. If I were to address myself entirely to the resolution, I should certainly conform myself better to what is the usual practice of the House, and what, under ordinary circumstances, is the more convenient mode for the purposes of discussion. Indeed, the question which it involves, is one of sufficient importance, in my opinion, to have justified its being made the subject of a separate discussion altogether, instead of being made the medium, — as it has been, — through which to present to Parliament and the country the whole financial statement of the year; — a financial statement which, if taken by itself, affords most ample grounds for comment, and requires, more than the resolution which has been submitted to the House, the earnest consideration of Honourable Members. I feel great difficulty, therefore, without any particular knowledge of the details, in entering into a discussion of this important subject. With one part of it, especially, I am conscious that I have a very irksome duty to discharge; in doing which I fear I shall be compelled to test the patience of the House, — inasmuch as I shall be called upon to repeat principles and opinions which I have, year after year, inculcated upon the Government, hitherto without any effect, — but, by the continued repetition of which, I trust they will be induced so far to concur with me, as to take a bold and general view of the finances of the country, in order that they

may see what is the general effect of the system upon which they are acting; that they may not consider the question of finance as a mere insulated question applied to the circumstances of the moment,—but see what would be the necessary consequence of the course they are pursuing, if persevered in, and, at least, express their opinion that that course ought to be abandoned. In the few observations I have to address to the House, I shall follow, as nearly as possible, the order in which my Right Honourable Friend introduced the various subjects of his address to the House. I will begin, therefore, with that part of it which applies to the financial situation of the country at the present moment,—which points out to us what is the expenditure and what the receipt,—what that expenditure and receipt are to be in the year to come,—and by what means it is proposed to equalise them. Before I do so, I cannot but again refer to the inconvenience which I feel to result from having to enter, at all, into a statement upon a resolution which has really no reference whatever to the subject. I should have been much better pleased, if I had had to deal with a vote in a Committee of Ways and Means for the Exchequer bills with which the Right Honourable Gentleman proposed to make up his deficiency. That would have been, in my mind, the proper vote to have taken upon a question of this nature,—as affording an opportunity of entering into an ample discussion upon the policy of the Right Honourable Gentleman, which the present resolution barely affords us. My Right Honourable Friend began his speech by saying, that whereas, in former years, it had been the custom of the House of Commons to be very vigilant of the expenditure of the public money,—to call upon the officers of the Crown for strict accounts of the reductions which had been effected in every branch of the public service;—and whereas that state of things is now entirely changed, the House of Commons being foremost in urging upon the Government the necessity of increased establishments, and the abandonment of economy; it had, at present, become the duty of the Government, not, as formerly, to resist economy, but to resist an undue extravagance upon the part of Parliament. Sir, I confess I have seen no such tendency to extravagance on the part of Parliament. But, if it even do exist, is it not the duty of the Government, in taking great and comprehensive views of public affairs, to oppose itself to such a system, just as it would be their duty to oppose, if urged upon them, an undue system of parsimony? But if the House have shown this disposition to increase our naval and military establishments, has there been no just reason why they should have entertained the desire? Do we not find, even in the speech which my Right Honourable Friend has just delivered, good grounds for supposing, that if the establishments of the country had been kept in a state of greater vigour and efficiency, we might have been saved a vast portion of that accumulated expenditure referred to by the Right Honourable Gentleman? We are, now, called upon to provide for the expenditure which has been caused by the position of Canada. I will not call it enormous, because I regard the expenditure as a subordinate question, when the honour of the country requires our dominions to be adequately maintained; but I will say, that when the Right Honourable Gentleman complains of the desire of the House to increase our establishments, he should recollect that if there had been, in the case of Canada, an early application of our military resources,—if, when we were told that in the ensuing winter there would be a rebellion in that country, we had sent out a force sufficient to control that rebellion,—the House would not now be called upon to vote so large a sum of money to meet the expenses incurred in the year 1838. The expenditure attending such a course would not have cost more than one fourth of the amount, and would have saved the country about 1,500,000*l.*, to which it is thus subjected, for the maintenance of troops, and that irregular force which, under the name of militia or volunteers, it has been found necessary to call into action in Canada. Now, it is stated by Lord Durham in his Report, that irregular soldiers cost three times as much as regular soldiers. Bearing all these things in mind, I must ask, whether it is extraordinary that those who foresaw and foretold these difficulties, should complain, at present, that the suggestions by which they might have been prevented have not been acted upon? So far from feeling any surprise, it would have been to me a matter of astonishment, if the House did not take occasion to express its opinion upon matters of such vital importance.

The Right Honourable Gentleman went, next, through the several items of expenditure and receipt as estimated by himself in former years, and compared them with the actual expenditure and receipt of the present year. Upon that part of the Right Honourable Gentleman's speech it is not necessary that I should make much observation. I do not pretend to say that there was anything in my Right Honour-

able Friend's calculations which could justly subject him to blame or censure. The views of those who furnished him with the details of the different branches of finance, appear, as nearly as possible, to have been adequately realised. I have only to regret that the result of the expenditure and receipt is—the deficiency which has been stated by the Right Honourable Gentleman to the House. There was one observation of my Right Honourable Friend, to which I must beg leave to call the attention of the House, as it bears forcibly upon another part of the question. Alluding to the increased expenditure arising under the army and navy and other regular services of the year, my Right Honourable Friend complained that there was a disposition on the part of the House, and the country, generally, to incur debt, without reflection as to the means by which it was afterwards to be paid. I know very well that such a disposition does exist. It is one which is not only common to popular bodies, but to individuals whom these bodies represent; but I must say, that in proportion as such a feeling prevails,—in proportion as they conceive it to be dangerous to the interests of the country,—so, in proportion, is it the duty of the Government and of the Treasury to set themselves against such a feeling; and to take care, when entering into debt on behalf of the country, that means shall be forthcoming to pay off that debt. It was with considerable surprise I heard the Right Honourable Gentleman announce, that in the ensuing year they would have a surplus of 130,000*l.* of receipt as compared with the expenditure,—which surplus, when set against the Canadian expenditure, leaves a deficit of the calculated revenue of the year into which we are entering, of not less than 860,000*l.* or 870,000*l.* My Right Honourable Friend then said, that this was a state of things which he was far from considering satisfactory; in which sentiment I feel assured every Member of the House of Commons will agree with him. My Right Honourable Friend added, that if this were a permanent diminution of the resources,—if he had any reason to apprehend that this deficiency was likely to continue, or that he should again have to present a deficiency to the House in the year 1840,—he should then boldly say to Parliament, "You must devise means of defraying this expenditure, and not again borrow money for the purpose of making up the difference." But I do not see what right my Right Honourable Friend has to assume that it is not a permanent diminution of revenue. What said my Right Honourable Friend in his speech of the 18th of May, last year? He said that the deficiency was simply of the amount of 200,000*l.* odd; whereas, by the accounts laid upon the table, it turns out to be 441,000*l.* What was my Right Honourable Friend's statement?

If it was safe and prudent for Mr. Canning to take the step he did in reference to a deficiency of no less than 3,000,000*l.*, I trust that the committee will see that there is no improper risk run by adopting a similar course now; but that, on the contrary, they will think I should be acting improperly towards the House, if, in order to meet a temporary evil, I were to ask either the House or the country to submit to the permanent imposition of any new tax?*

The deficiency of 1836 was stated to be temporary,—but being only small, the Right Honourable Gentleman did not feel himself justified in proposing a tax. The same argument was made use of in 1837,—when the deficiency, instead of being 441,000*l.*, was 726,000*l.* The same argument was used for adding to the debt, instead of raising money to pay the debt, in 1838. It is repeated in 1839. Still are we told that we have no right to anticipate any permanent deficiency—that we should go on for another year without any effort to equalise the expenditure and receipt—that, in fact, we should proceed upon the spendthrift principle. The Right Honourable Gentleman says we are to have a surplus of 200,000*l.* upon the year to come, assuming that Canada will not require the same degree of expenditure as last year. What reasonable ground is there for anticipating that that 200,000*l.* would not be dealt with as the same sum in 1836,—according to the popular but destructive doctrine of raising the amount by the issue of Exchequer bills, rather than by a tax? I must, therefore, repeat what I have said before, and call upon the House to consider in good earnest the real financial state of the country. I know the question to be an irksome one; but in the present state of political opinion, I regard it as a question of peculiar power, strength, and influence, and one with which the happiness of the country is intimately connected. If we go back to the year 1831, without going into large calculations, but taking a view of those heads which are most obvious, we shall find that, in that year, the charge of our public debt, funded and unfunded, amounted to nearly 28,400,000*l.*; while, in 1839, it amounts to 1,000,000*l.* more,—and this after a ten years' continued peace. So that there has been an increase of 1,000,000*l.* from 1831 to 1839.

The CHANCELLOR of the EXCHE-

* Vide MIRROR OF PARLIAMENT, second series, vol. vi. p. 4101. Sess. 1837-8.

QUER. — You overlook the expense consequent on the abolition of slavery.

Mr. GOULBURN. — True; there has been an addition of 700,000*l.* on account of slavery; but have there been no sets-off? Has there been no falling in of the debt? Has there not been a considerable portion of funded debt from the Bank's diminution of charge, amounting to 100,000*l.*? Have you not applied, in some preceding years, or attempted or professed to apply, a surplus revenue of about 9,000,000*l.*? Yet, notwithstanding this falling in to the revenue of the country, and notwithstanding this surplus in particular years, there has been, from year to year, an augmentation of 1,000,000*l.* of interest on the funded and unfunded debt of the country, as compared with 1831. I admit that the surplus revenue has had some effect upon the reduction of debt; and why? Because it appears, from accounts before the House, that instead of applying it *bonâ fide* to the reduction of the debt, as occasions have offered, it has been applied to buying up the deficiency bills coming in aid of the Consolidated Fund, in diminution of the real surplus, to the extent necessary to supply the deficiency. Is it not natural, when I see this annual increase of the charge of debt in a period of peace and prosperity, that I should again call upon the House to view the question in the face, and not be discouraged by their silent acquiescence in the system under which the Chancellor of the Exchequer has for three years administered the revenue of the country? But the Right Honourable Gentleman says he means to supply the deficiency by an augmented issue of Exchequer bills. Now, I must be permitted to say, that if my Right Honourable Friend had borne in mind the discussions on this question at a former period, he might well have entertained some little doubt as to the propriety of making up the deficiency by these means. It is true, indeed, that in the course of the last years, my Right Honourable Friend, after repeated admonitions and suggestions, made a considerable reduction of the funded debt, by means partly of the surplus which occurred in one year, and partly by the application of the money of the savings banks. On the question of the application of the money from the savings banks to the purchase of Exchequer bills, I shall on this occasion say nothing, because the discussion of minor points is calculated to divert attention from the essential points, — namely, what must be the consequences of persevering in the present system of finance? The views I entertain on this subject cannot, I apprehend, be unknown to those Honourable Members who have devoted any attention to this subject. If the House could have the courage to maintain a certain surplus revenue, there would then be a hope, however small, of making some impression upon the public debt of the country. The Right Honourable Gentleman says, "If I had a surplus, I could deal with the Post Office experiment, and could attempt various other improvements, which I am afraid to hazard, lest I should increase the annual expenditure." If, Sir, I say, we had but maintained a surplus, however small, and it had uniformly continued, our expenditure would have stood more on a par with our receipts, — or, instead of an increased charge, compared with antecedent years, and going on, in regular progression, we should have been able to deal with different branches of our finance which require regulation and improvement, but which we are now afraid to touch, lest we should aggravate the disaster. But the effect of this continual application would be to accelerate the period at which we ought to be able to effect a great reduction of our annual charge by a further reduction on the debt. We should not forget that a period will arrive, when we shall be at liberty to deal with no less than 160,000,000*l.* of debt, and to effect an annual saving of 700,000*l.* The great object is to maintain a surplus revenue, and to apply that surplus to the reduction of the debt. But if you go on annually increasing the debt, checking the prosperity of the country, and losing the advantages which continued peace necessarily affords, — your course of proceeding not only involves an augmentation of debt, but deprives us of that source of public relief which results from a reduction of the interest on the debt already incurred. Next year a great portion of the public debt will be open to be dealt with by the Chancellor of the Exchequer; but if he go on encumbering himself with additional Exchequer bills, — if, in the conduct of this great operation, which is always hazardous and dangerous, he encumber himself with a mass of unfunded debt, from year to year, — he will take the most effectual means of debarring the country from that legitimate advantage which would result from the reduction of the charges under which she labours. And such reduction of charge would not be of a fluctuating nature, varying from year to year; but it would be of permanent benefit to the country, and would afford it the means, at a future time of danger and difficulty, of extricating itself from finan-

cial pressure. The course which the Right Honourable Gentleman is now pursuing, tends to deprive the country of those great advantages which, I believe, it might otherwise enjoy.

I have thus taken the liberty briefly to state my views of the finances of the country, and my objections to the course pursued by the Right Honourable Gentleman. It may be fit, when, at a future day, the Right Honourable Gentleman submits to the House the mode in which he proposes to carry into effect his plan for supplying the deficiency, that the subject should be more fully entered into. It embraces a large extent, and ought to be discussed in many points of view, which, on the present occasion, I have studiously avoided; and the House and the country must discuss it fully, unless they are prepared to subscribe at once to the principle which has been laid down this night, and which has been acted upon, now, for three years. I will, here, make a few observations upon that resolution which is the more immediate subject of this night's discussion, — the proposal of the Right Honourable Gentleman to deal with the Post Office, and, by a change in the whole mode of carrying on that department, to effect a considerable improvement in, and give increased facilities for, the transmission of letters; and, further, if I may judge by the petitions on the table of the House, to give great gratification to every class of the community. I admit, with the Right Honourable Gentleman, that, under the circumstances, the placing in hazard a revenue of 1,500,000*l.* is no trifling consideration; and though it is not a revenue which has increased in proportion to the population, or the augmented wealth of the country, yet it is a certain revenue, free from doubt and fluctuation, and yields an annual supply of 1,500,000*l.* If the Right Honourable Gentleman had had the surplus revenue which I have recommended, I should most willingly have concurred in the propriety of an immediate change in this department; and, after reading the Report which was made by the committee to the House, I should be disposed to say, if the experiment be made at all, it would be wise to make it to the extent which the Right Honourable Gentleman proposes, and not to adopt the suggestion of the committee. After reading the evidence, I admit that it was with no little surprise I found the committee proposing a postage of 2*d.* instead of 1*d.* In my mind, the whole tendency of the evidence went to show that, in all transactions having reference to postage, the slightest possible augmentation was calculated to defeat the whole measure. At all events, the evidence produced the impression that a twopenny rate would certainly fail, — but that a penny rate might, possibly, succeed. I will not undertake to say that it would succeed; but of this I am confident, — that there is a far better chance by adopting the 1*d.*, than by taking the modification proposed by the committee. Further, I am convinced that this is an experiment which cannot be made partially, or in a limited district. We must play, like gamblers, for a large stake, and at a great risk; for the risk, though great, is small in comparison with the possible gain. So far with regard to the views of the Right Honourable] Gentleman with respect to the measure which is to be introduced, and to which I am prepared to give my concurrence. But there is another, and a more important question, which requires consideration. I understand the course which the Honourable Gentleman intends to pursue to be this: — he proposes to pledge the House, by a resolution, that a penny postage shall be introduced, and that they shall make good any deficiency which the adoption of the measure might occasion in the revenue. And here, Sir, I may observe, that my Right Honourable Friend thought it necessary to offer the House an excuse for proceeding by a Bill. I never heard an apology which appeared to me less necessary. I should, indeed, be surprised if any other course were to be taken on a measure of such importance. When we come to this, — that a Chancellor of the Exchequer, being about to reduce the revenue by a million and a half, should think it necessary to offer an apology for proceeding by Bill,—I must say that I hold it to be one of the most superfluous and extraordinary excuses I ever heard offered to Parliament. The proposition of the Right Honourable Gentleman is this, — to pledge the House to make good any loss that may arise from the reduction of the postage; and, in the Bill, he is to state, broadly and distinctly, in the preamble, the nature and necessity of the pledge; and there is to be an enactment putting it in the power of the Treasury to give effect to the plan in such manner as they may think proper.

With respect to the mere terms of the Bill, I conceive them to be a matter of little importance,—the principle being as I have stated. Now, it appears to me, that if there be any course of proceeding more than another open to objection, it is this proposal of my Right Honourable Friend. I will tell the Right Honourable Gentleman what will be the result. Supposing, at the end of the Session, he puts his ma-

chinery in motion; letters will pay the penny postage throughout the country; and, at the end of the year, there will be a deficiency of from 500,000*l.* to 1,000,000*l.*, which Parliament will be called upon to supply. For, although I am not prepared to say that the ultimate result will not be beneficial, no man can shut his eyes to the probability that, for a considerable period, the outgoings will be large and the incomings small; and, therefore, that we shall have to provide for a very large deficiency at the end of the year. Therefore I should not be surprised if the Honourable Gentleman were to come down at the appointed time, and say that there had been a deficiency of 1,000,000*l.* of revenue through the adoption of his plan; and then call upon the House, with all his energy and eloquence, to give him a tax to supply that deficiency. The answer would be this: — "The people are oppressed with taxation which bears heavily upon every branch of industry and labour; try a little longer before you impose a new tax. If you attempt to tax, by means of the Customs, you ruin our foreign exports; if by the Excise, you oppress the labouring classes." In short, attempt it by what means you may, you will find some plausible, and, very likely, some proper objection started, to the plan of taxation; and the Right Honourable Gentleman will in vain endeavour to get his supplies from this House. Possibly the Honourable Member for Kilkenny will tell the Chancellor of the Exchequer, in his own words, "I cannot regard this deficiency as permanent; and I should not be justified in asking the House to make provision, by taxation, for what must be considered as only a temporary additional charge." And so my Right Honourable Friend will be called on to resort to his convenient bank of Exchequer bills to make up the deficiency in the Post Office revenue. And there would be tenfold force in the argument applied in such a case, for making up the deficiency without taxation. An expedient which was adopted for three successive years of decreasing revenue, would have much greater reason in its favour when proposed to be applied to the case of the Post Office; and then the House would be easily persuaded that it was highly unadvisable to grant a new tax, and my Right Honourable Friend would be obliged to resort to the pitiful expedient of Exchequer bills. A thousand objections present themselves to a tax, when it is brought forward in an isolated shape. To have any prospect of being adopted, it must be brought forward distinctly as the price that is to be paid for a reduction that is very much desired. There is all the difference in the world between exchange of taxation and the imposition of a new tax; but my Right Honourable Friend deprives the new tax of the most cogent argument for its adoption, by separating it from the proposition which makes it necessary. As to the pledge, a future House of Commons, like all Houses of Commons, will easily break through it, and justify themselves by some apparent necessity, or some circumstances of temporary convenience. Supposing that we do pledge ourselves; how will that fact bind our successors? When my Right Honourable Friend shall, on a future occasion, refer to this resolution, assented to, perhaps, by the present Member for Kilkenny, might not some new Member for the same place say, "It was all very well for my predecessor to give a pledge; but I beg leave to decline it; my constituents are now suffering extremely under the pressure of the existing taxation." Other Members may make similar pledges; and we know, not from theory, but from practical experience, how little effect a resolution affirming a principle will have, in binding a House of Commons against present convenience. It is impossible, at this moment, to discuss the measure fully; but I have no disposition to resist the resolution, although I shall hold myself at perfect liberty to resist every other part of the proceeding, — but not with a view of preventing the chief object, — or any mode of proceeding, by which it may be proposed to abandon an amount of revenue, without having from the House, not only a distinct assurance, but a distinct measure, to provide for the deficiency which a reduction of postage must occasion.

Sir, I do not wish to trouble the House farther; and I thank them for the patient attention with which they have heard me. I would only again implore the House, — not from any feeling of party, for this can be no party question, — but I would implore every man who looks to the future prosperity of this country, and to the maintenance of its position among the states of Europe, to the welfare of its inhabitants, to the security of their liberties, and to the advancement of their honest industry, — I would most solemnly implore every such man to weigh, well, the situation in which this country will be placed by the continued adoption of the principle of meeting every extraordinary demand by an issue of Exchequer bills, instead of raising the income of the country. — I implore every such man to consider whether, in so doing, he is not helping to

prevent any future alleviation of the burden of taxation, and to reduce England from that situation of dignity and independence which properly belongs to the greatest nation in the world?

Mr. HUME. — I have listened with very great attention to the observations which have just been made; and as I consider that the subject which we are discussing is of very great importance, I shall address a few words to the House. I mean to speak, first, to the question which has been the last submitted to the House, — namely, that which relates to the Post Office, and which I think ought to be regarded as separated from the question of revenue. It is indeed a very bold, I might say a very venturous act, to propose a change in so important a branch of the revenue as the Post Office, by which one million and a half is put at risk; but then the question is one of paramount importance. It is of the greatest importance to all classes in the country, and particularly to the poorer and the middle classes, — much more, in my opinion, than to the rich; and thinking this, I say, I am sure that, after all, the risk to be encountered will not be found to exceed one half or one third that which the Right Honourable Gentleman has mentioned. I am warranted in saying this, when we consider that the effect of decreasing charges is to increase the revenue; and I am confirmed in it by hearing what has taken place in France from a similar reduction. There is no instance in which postage has been reduced, in which there has not been an increase of revenue. When, too, I see that from 15,000 to 20,000 letters are sent every day by Members of both Houses of Parliament, I am sure that such letters being charged in future must help much to make up the deficiency which is expected to take place. I calculate that there will be a deficiency the first year; I believe there will be a deficiency the second year; but when the system comes fairly into operation, towards the end of the second year, I do not believe that the deficiency will be greater than what Mr. Hill has estimated it at. I think the experiment a most important one; and I consider, also, that the Chancellor of the Exchequer is fairly warranted in making it, and in thus doing what he has been called upon to do by the general desire of the country. I have no hesitation in saying that the deficiency, whatever it may be, will be made good by the House of Commons. I agree, however, with the Right Honourable Gentleman opposite, that taking a pledge from this House is altogether unnecessary. I have seen Acts after Acts of Parliament, which pledged the application of sums in a particular manner; and yet afterwards I have known of specious pretences being found for applying a surplus otherwise than it was originally intended. I doubt, then, very much, if the Right Honourable the Chancellor of the Exchequer will effect any good by asking of the House to pledge itself, particularly when I can point out Acts of Parliament, much more solemn than mere resolutions, which still could not bind future Parliaments. I have, however, the greatest confidence in the good sense of the House; I am sure it will sustain the loss willingly, if, after the experiment shall have been fairly made and fully worked out, it should still prove deficient in producing a revenue. It is a bold experiment, — and there is a much better chance of its succeeding because it is a bold one. I confess that I am very sanguine as to the results, if the experiment be fairly tried; and I tender to the Chancellor of the Exchequer my cordial and my best assistance in supplying the means whenever he finds that there is a deficiency; and I am sure that the House will aid in such a proposition. The measure cannot but be productive of the greatest and most important results; and whatever may be the loss, the Government, I am sure, will find the country quite willing to supply the deficiency. I must candidly, however, tell the Right Honourable the Chancellor of the Exchequer, that I do not think that the fitting course which he ought to pursue should be, to impose taxes to make up the expected deficiency. Let us compare, for instance, the expenses of the army and navy in 1835 and last year. Last year, I believe, the expenses of the army and navy were 16,250,000*l.*, and by the Finance Report it appears that the expenses of the army and navy in 1835 were 13,800,000*l.* May we not, then, hope that the state of circumstances will be such as to enable us to make a reduction more than equal to the expected deficiency in the amount of the Post Office revenue? Have we not a right to expect that the 16,000,000*l.* for army and navy will be brought down to 13,000,000*l.*? I hope the Right Honourable the Chancellor of the Exchequer will look with confidence and steadiness at the situation in which we are placed.

I have said this much with regard to the Post Office, and I now have to turn to another and a very important subject. Upon that subject I confess that I agree with much that has fallen from the Right Honourable Gentleman who last spoke. I do not think that the state of our finances

is at all satisfactory. I am not willing, at this moment, to enter very fully into this subject. I see the situation in which the country is placed, and it is a ground upon which I have felt the deepest anxiety for a considerable time. I am most unwilling that the House should separate and leave the financial affairs of the nation in their present state. Sir, from the very commencement of the Session, I have been anxious to know at what time the Budget would be brought forward; and it may be satisfactory to the House to know on what grounds my anxiety rested. I find, from a paper that I hold in my hand, that on no occasion but one, since 1825, has the Budget been brought forward so late as the month of July. In 1825, it was brought forward on the 25th of March; in 1836, on the 13th of March; in 1827, on the 1st of June; and the Right Honourable Gentleman opposite affords the only example, in 1828, of having brought it forward six days later than the present. In 1829, it was brought forward on the 8th of May; in 1831, on the 11th of February; in 1832, on the 27th of February; in 1835, on the 5th of April; in 1836, on the 6th of May; and the last Budget was brought forward on the 18th of June. I, for one, can see no reason for the present being brought forward at so late a period. And, here, I may say, that it is but fair in me to confess that the charge on the financial year to which I was a party, has not produced those results which I anticipated from it. I anticipated that the financial statement would always be made before the estimates were voted; and it is now with the greatest regret that I see we have succeeded so ill in this respect. I am of opinion that we ought to retrace our steps, and not allow the financial statement to pass beyond April at the latest. Nothing can be of more importance; and yet, at this period of the year, it is not possible to have our attention rected to it: for instance, let us look at the present occasion, when there, positively, is scarcely a sufficient number of Members present to form a House; and yet there is no question so important as the financial statement. It is one that ought to be looked to with the greatest anxiety; and much more so when we find, as it is stated by the Right Honourable Gentleman opposite, that there has been an increase on the interest of the debt of one million in a short time. In 1837, we found the country in the greatest danger. Now, I have, all along, been in the hope of discussing the subject most fully. My desire to do so is well known, and yet every means has been taken to evade that discussion. I have a right to complain of this: for the last two months, I have sought every opportunity to have the discussion fairly brought forward. I blame myself for having paid so much deference to the Right Honourable the Chancellor of the Exchequer, as to have given way to him; and afterwards, when a day was fixed, and I sought to bring my question forward, I repeat it, that I have a right to complain that not one of those in office, or any connected with them, attended in the House; but, on the contrary, that they remained in the lobbies for the purpose of having the House counted out. I must, then, take this opportunity of declaring, that I look with the greatest alarm to the condition in which the country is placed; and especially as the Right Honourable Gentleman is adding to the amount of Exchequer bills, and thus endangering the credit of the country. We plainly see that there is a deficiency; and yet I ask the Right Honourable Gentleman the Chancellor of the Exchequer what authority has he for saying that the estimates will be diminished next year? What grounds has he for giving in that diminution, when he says that the estimates of last year are increased, and not diminished? What right has he to prepare for this diminution, when the Government has settled nothing, yet, in Canada? If Canada were settled, the Government might, in the course of two months, be able to bring back the troops, and might leave the management of the colony to the civil power. But, instead of Government doing anything like this, they are determined to leave Canada in an unsettled state until the year 1842. What hope, then, can we have of meeting the difficulties when they occur? What happened ten days ago? Exchequer bills were at a discount.

The CHANCELLOR of the EXCHEQUER. — No, no!

Mr. HUME. — Some one has said they were at *5s.* premium; but I have been informed they were actually at a discount. By the Returns, we find that the balance of bullion in the Bank of England, and all its branches, is but four millions and a half. I ask the House, what is the situation we are in, with such a pressure upon the paper circulation? No bank is now prepared with 100,000*l.* in gold, if called upon; they all look to the Bank of England, where paper is a legal tender. The exchanges are still against England, and have been so since the month of August last, with the exception of the month of

November. Every month the bullion is going out; and, in my opinion, here is not, at this moment, more than three millions of bullion in the Bank.

The CHANCELLOR of the EXCHEQUER. — No, no!

Mr. HUME. — If not, why have we not the account from day to day, in order that we might fully understand their exact situation? I protest against the condition in which the country is left, and in which it is proposed to permit it to remain by the Right Honourable the Chancellor of the Exchequer, — that is, to depend so much as it has done upon the Bank of England. Let me, however, state a single fact, and with that I shall close my observations on this point. I hold a paper in my hand, which may be found useful in advising us of the situation in which we are placed. Gentlemen, perhaps, are not aware, that for the dividends which become payable to-morrow, Government have not one farthing to pay.

[Cries of "Hear!" and laughter.]

That may excite a little surprise; but for twelve years past, they have never been able to pay them. It follows, as a matter of course, that the Bank makes advances on the days on which the dividends are to be paid. I have Returns in my hand on this point from 1797, and these papers show that there ought not to be this meddling with the Bank of England. No Government ought to depend upon advances from a private establishment. By the system established in France, not a shilling is advanced to the Government. In the Bank of France, there remains 10,000,000*l.* of bullion surplus, belonging to the Government. There are 169,000,000 of francs so placed. They take no advances from the Bank, and they pay everything connected with the debt. If that were to Bank fail as regards its own resources, the public resources would be untouched. On the 5th of July, the issue of Exchequer bills to meet the demands was 5,172,000*l.* To-morrow, the Bank must make a loan; and it will do this with only three or four millions in gold. What a prospect there is, then, before us, with the exchanges against this country! It is not to the credit of the English Government that they should be dependent upon any private body whatever. If the Government is not able to pay its dividends on the 6th, it is in the situation of being refused aid by the Bank; and then let Honourable Gentlemen look to what might be the consequences, if such an event were to take place. Is it, I ask, safe for us to allow such a plan to proceed? If it were the proper time for doing so, I could show such strong reasons, and enter into such striking details, as would convince the House that the credit and the honour of the country ought not, any longer, to be allowed to rest on a rotten reed.

An HONOURABLE MEMBER. — Sir John Rae Reid?

[Laughter, and cries of "Hear, hear!"]

Mr. HUME. — It is no laughing matter, that I can see. I assure Honourable Members that I had no intention of making a pun. I say, let the House look at the evidence of Mr. Baring — now Lord Ashburton — as to what took place in 1825. Let the House reflect, too, on what was said by Mr. Huskisson, and which I, myself, heard, — namely, that we were within twenty-four hours of being within a state of barter. This was a pretty state for England!

[Cries of "Hear, hear!" and laughter.]

We do not want money — capital is overflowing amongst us, and men are seeking for channels in which it may be best directed. With such capabilities, the condition of the country ought not to be risked. Under these circumstances, then, I protest against the plan which the Right Honourable Gentleman pursues. I think that it is fraught with danger; and, in a full discussion on the matter, I would undertake to prove that half the present misery of the industrious and working classes is produced by it. The misconduct and mismanagement of our pecuniary transactions, in the hands of the Government and of the Bank, are fraught with the very greatest mischief. I do, then, entreat of the Government, and I entreat especially of the Right Honourable Gentleman, to let the finances of the country be placed in a proper situation, and no longer to trust them in the hands of those who, however competent to manage their own affairs and take care of their own interests, are certainly incompetent to conduct the affairs of the country. It is placing the property of every man in a most dangerous and critical situation, and leading him to ruin, from which, in too many cases, he can never recover. I have been very much struck with the increase in our exports. Last year, it

was beyond anything which could have been expected. It arose from speculation, and the extraordinary stimulus that was applied. But, then, the Right Honourable Gentleman should look back to what happened in 1836, and say whether he could expect such an increase up to 1840. After the excitement in 1836, the revenue fell two millions and a half; and the Right Honourable Gentleman will not be doing himself justice, if he trust to a continuance of that increase. Let him look at Manchester, Preston, and other great manufacturing towns, where the mills are only working four days in the week, and he will then acknowledge that the increase is one which cannot be depended upon for the current year. I object, also, to the system adopted by the Right Honourable Gentleman, of adding to the funded debt of the country, without the knowledge or sanction of Parliament. The Right Honourable Gentleman has, within the last three years, added 3,000,000*l.* to the three per cents., without the consent of Parliament. Is it fit that the Government of this country should thus traffic in the money market—that they should be buying Exchequer bills one day and selling them the next; and all this, too, without the knowledge of the House? It is true that the Honourable Gentleman has reduced the amount of Exchequer bills, and I willingly allow that they are well out of the market; but what is the process adopted to effect this object? The money is taken out of the savings banks, and the amount added to the funded debt of the country, without either the knowledge of the country or of Parliament. I would ask the Right Honourable Gentleman whether, within the last month, a considerable amount of three per cents. have not been sold out to buy Exchequer bills, in order to carry on public works which have been ordered by this House? This trafficking in the money market is unworthy of the Government, and I hope will be discontinued. I have, I trust, stated enough to show the House that they cannot go on as they have been doing; and I cannot but deprecate any proceeding which is calculated to injure the credit of the country. The credit of this country stands so high in the eyes of Europe, and deservedly so, that I trust nothing will be done to lower it; and I should consider the Right Honourable Gentleman extremely culpable if he should run the same risks as he did in 1837, when he allowed Exchequer bills to come almost to a discount. I will not, now, enter on the question relative to the Bank; but at the proper time I shall be able to prove that it is impossible to allow matters to go on as they have been doing. A remedy must be found. I have now stated my satisfaction with one part of the Right Honourable Gentleman's statement, and my dissatisfaction with another part; and I should have conceived that I had been wanting in my duty, if I had not protested against that part of the Right Honourable Gentleman's proposition which I last alluded to.

Mr. WALLACE.—Sir, I do not mean to follow my Honourable Friend in the opinions he has expressed; but, as chairman of the Committee on Postage, I beg permission to address a few words to the House. In the first place, I beg to thank the Right Honourable Gentleman the Chancellor of the Exchequer for having brought forward this question with so much clearness, and with such perfect fairness towards all parties. It is quite true that the Report of the committee was in favour of the twopenny rate; and I hope that I may be excused when I briefly state why they came to that resolution, although most sensible that the greater portion of the evidence was given in favour of the penny rate. They were restrained by the orders they had received, and they were obliged to keep within the view, most strictly, for which they had been appointed. They, therefore, felt cautious in coming to a resolution; but the members were unanimously in favour of a uniform rate, though they did not feel themselves authorised to vote for a penny rate. As chairman of that committee, I had not the opportunity of recording my opinion, which was all along in favour of the penny rate; but the majority of the committee were of opinion that the twopenny postage would be the best. As to the pledge which the Chancellor of the Exchequer asks us to give, I have not had experience enough in this House to decide whether that would be satisfactory, or not; but, looking at the class of petitioners who come before the House to require the grant of this boon of a universal penny post, I am sure that so numerous and respectable a class would never send representatives to this House who would not be ready to vindicate the pledge or understanding entered into upon this most important subject. The number of petitions has been adverted to, and I am free to admit that there is, on this, as well as upon other subjects, a considerable degree of agitation and anxiety on the part of those who promote this plan, to stir up the feelings of those who accord

with them in opinion, to solicit this boon at the hands of Parliament. When leading men in a great commercial capital like London come forward, as the Postage Committee has done, to endeavour to stir up the feelings of their countrymen in the remotest parts of the kingdom, it is no wonder that the sympathies of the whole nation should be brought out to ask for this concession. With regard to the loss of revenue, I willingly admit my fears; and, indeed, I think that, in the first year, certainly, there will be a great loss of revenue; but, from the best attention I have given to the subject,—and I have devoted to it my entire time, and have endeavoured to understand the question with a perfectly honest desire of concealing nothing and declaring all,—my conviction is, that although there may be a defalcation to the amount of 500,000*l.* or 600,000*l.* in the first year, including the expense that will be incurred in setting the machinery going; still I believe that, from the increase in the number of letters, and the universal use of the Post Office, instead of its abuse, the revenue, in the course of another year, will equalise itself; and it is my confident anticipation and hope, that in three years the defalcation of the first year will be made up. I venture to state this, because I entertain a sincere and honest conviction that such will be the result. With regard to the resolution that has been brought before the House, it seems to be admitted, on all hands, that it is really necessary to give effect to this plan, if it should be the opinion of the House of Commons and of Parliament that it ought to be conceded to the wishes of the people. It is quite true that at present the Treasury and the Postmaster General, combined, have the power of reducing the rates of postage to any given amount. It is also true,—and I believe very few are aware of it,—that in the last Session a clause was added to a Bill, by which the Treasury and the Postmaster General, when combined, can insist upon postage being paid in advance. I am in possession of that Bill, and can assure the committee that this is a fact. I think it of the utmost importance that the proposition of the Chancellor of the Exchequer should be sanctioned, so as to enable him to put in operation this great machinery, and to give this country, before any other, an opportunity of taking the lead in giving effect to one of the greatest boons which can be conferred on a civilised community. The distinguished individual who invented this most magnificent plan ought not to see it adopted by any other country before it is adopted by his own. I believe it is very well known,—and, if not, I beg leave to state the fact,—that the Postmaster General of France, and the Government generally of that country, are anxious, at the earliest possible time, to adopt a plan similar to, if not the same plan as, that recommended by Mr. Hill. I believe that a Noble Lord, not now in his place, has been in communication with the Government of France on this subject, and that the Executive of that country is most anxious to be informed of all the particulars of the plan, for the purpose of its being immediately adopted there. The Government of the United States of America is also in active correspondence with this country for the same purpose; and I believe that Prussia and other Continental nations have a similar object in view. I submit that, as this country has the honour of the invention, which was, undoubtedly, brought before the public by Mr. Hill before any other person, it would be exceedingly blameworthy in us, for the risk of a loss of 500,000*l.*, which would be paid back in two or three years, if we were to lose the honour of being the originators of a plan so essentially necessary to the comforts of the human race.

I will not go into details respecting this plan; but I must observe that I differ from the Chancellor of the Exchequer with regard to the adoption of only one part of that plan. I believe that the use of stamped papers—not meaning covers only, but stamped papers of all kinds—might be permitted, without granting a monopoly to any party. I believe that, the adoption of stamps—something like French wafers—might be brought into very general and convenient use. Several of these specimens have been presented to the Treasury and the public offices, and to myself; and as far as I can judge from the evidence adduced by Mr. Wood, the chairman of the Stamp Office, and the commissioners, I should say there could be no fear of forgery or risk. I have no hesitation in saying that the adoption of this plan would be perfectly safe to the revenue, as far as regards the question of forgery. There is one other subject which has not been adverted to, but to which I wish particularly to allude. On referring to the evidence given by Lord Ashburton, and several others—almost all mercantile and professional men,—respecting the effect which this plan would have in London, Liverpool, and other large towns, I find the following question was put to them: "What effect do you suppose will flow to the other branches of the revenue, if the system of cheap postage be adopted?"

The replies given by all were to the effect that they believed that the other streams of revenue would be filled, and would flow largely into the Exchequer. We may therefore look to a large addition from other sources of revenue, independent of the Post Office, — we may look to a large addition to the revenue from the duty upon paper, in consequence of the great additional consumption that must take place. The question comes to this, — What number of letters would be transmitted by post? So far as it is in my power to reduce the evidence to a practical view, my real belief is, that Mr. Hill, in estimating the increase at sixfold, is within the mark. I mean to say that those letters which do not now pass through the Post Office, I conscientiously believe, amount to twice as many as pass through it. This is my own opinion, gathered from the evidence, — namely, that if eighteen millions of letters pass through the Post Office, thirty-six millions do not pass through it. This is a strong assertion, but I conscientiously believe I am not overstating the fact. There is another subject, necessarily connected with this. I have, already, adverted to the probability of the adoption of this plan by France, the United States, Prussia, and the other Continental states; but I think that it is of no small importance that the plan should be adopted as regards our colonies and possessions abroad; for in no part of the world is postage more expensive, and, at the same time, letter writing so inconsiderable.

Putting out of view the moral effect which the plan would have, I think, if there were a cheaper postage, it would greatly tend to improve the social relations of those communities with the mother country; and we should be spared those heart-burnings and complaints that now exist, if there were an opportunity of having matters explained through other channels. I think that the increase of communication with the mother country would produce an increase of good feeling. This is, however, a matter of opinion only. And here I cannot help adverting to the progress of this question since it was brought before the public. It was not till the commencement of the last year that Mr. Hill's plan became known to the country. From the very first I saw that it was a proposal which deserved the utmost consideration; and I was convinced that inquiry would prove its worth. What was the effect produced? In 1838, 320 petitions were presented in favour of the measure — many of them from large towns, and from Chambers of Commerce. In the present Session, not less than 1800 petitions have been presented, — showing an increase of more than five-fold. This is one proof of the interest taken by the public in the matter. But there is another. The First Report of the Select Committee was published about Easter; and in less than two months that Report was out of print; and none are now to be had to supply the wants of those foreign countries who are desirous of availing themselves of its contents. This shows the anxiety of the public on the subject. With regard to the measure itself, it has been so generally discussed, and has been brought before the public by the newspaper press, in every part of the country, so often, that it would be a waste of the time of the House if I entered into it. I believe that the measure would be fraught with benefit to every class of the community; but I do not know that it would be of so much benefit to the higher classes as to that very large class who are at present completely debarred from all communication with distant friends. I believe, also, that it would open a wide field to emigration, by enabling those who have left the country to send to their friends at home a just and true account of their situation. I also think it would be extremely beneficial in enabling persons residing within workhouses to communicate with their friends and relations outside. With these remarks, I will only beg permission to express my warm approbation of the plan of Mr. Hill, and to state that Mr. Hill is a man of a most honest and generous mind; that his sole object is to investigate the truth; and that, for his indefatigable labours in bringing the merits of his plan before the public, he is entitled to the lasting and grateful thanks of his country.

SIR ROBERT PEEL. — Sir, if I thought it possible that the Government had deliberately weighed and maturely considered all the details of the measure which the Right Honourable Gentleman has announced with respect to altering the present system of Post Office communication, — if it appeared to me that, calculating the probable loss of revenue it would occasion, in addition to the acknowledged deficiency of the revenue already existing, they were really prepared to come forward with a substantive proposition to make up that deficiency — if I thought all this possible, I might feel so far convinced of the moral and social advantage of disembarrassing communication, and rendering it as free as possible, as to be disposed to give my consent to such a measure. But, Sir, that is not the

proposition with which the Right Honourable Gentleman does come forward; but now, — near the close of the Session, — now, on the 5th of July, he asks from the House a pledge, that they will be ready to provide for a deficiency of 1,500,000*l.*, which, he anticipates, may arise at some future time, from carrying this measure into effect. The House of Commons are called upon to give a vague and undefineable pledge that at some future period — which is not specified or understood — they will be prepared to make good any deficiency of revenue that may result, from putting into execution the scheme suggested. Whatever opinions I may entertain of the practicability or advantage of that plan, I wish to say nothing whatever against it on the present occasion; but I consider that it is highly improbable that, considering the present state of the Session, and, also, the present state of the revenue — that I, or that the House of Commons, should run the risk of consenting to the propositions which the Right Honourable Gentleman the Chancellor of the Exchequer has submitted to us. This risk I am not prepared to run, — this risk I trust the House is not prepared to run; but, certainly, if I were prepared to run the risk of such an increased deficiency of the public revenue, I would much rather do so without a pledge than with one. And what would be the force of such a pledge? The Right Honourable Gentleman said that the honour of every individual Member in this House would be a guarantee that the pledge would be fulfilled by the House whenever it might become necessary to call on them to do so. Now, I very well remember that in the course of the debates on the Reform Bill, when my Honourable Friend the Member for Pembroke spoke of the private honour of individual Members, in an argument which he made use of respecting that measure, he was met by the Noble Lord, the then Secretary at War, who said that the guarantee of the private honour of individual Members was superseded by the permanent obligations of public duty; and he told the House that it was utterly impossible for a public man to consider himself hampered in his public duties by any engagements he might have entered into which bound him by the principle of private honour. But it appears that the Noble Lord's colleague entertains a different opinion on the subject of the force of private obligation; for he comes forward with the doctrine that private honour and personal obligation are to be binding to a far greater extent. But if private honour is to be appealed to, and become binding upon us, it is highly important that we should understand exactly to what extent the Right Honourable Gentleman proposes to pledge us. It is right that we should understand the nature and extent of the engagement which he asks us to enter into. Am I to understand that he asks us to pledge ourselves to make good any deficiency of the revenue which may be occasioned by the alteration which he proposes to make in the rates of the existing Post Office duties? Am I, then, to understand that the pledge which is demanded involves this engagement, — that, supposing we lose 800,000*l.* by the alteration of duties, we are to be held ready to consent to some other description of tax, to supply that deficiency? Is this the meaning of the Right Honourable Gentleman's resolution? I assume the meaning of the resolution to be, — that it calls on us to pledge ourselves to make good any deficiency which may be caused by an alteration of the existing Post Office rates and duties. That, certainly, is the nature of the engagement which I am asked to enter into, and which, if I entered into it, it is said, I should be called on both by private honour and public duty to fulfil. Well, then, let us now inquire how this engagement is to be considered, with respect to the mode in which it shall operate. Let us suppose that a deficiency occurs in the Post Office; but, at the same time, another branch of the revenue becomes highly productive; — suppose, I say, that the anticipations of the Right Honourable Gentleman be realised; great reductions are made in our civil and military establishments, and the revenue, on the whole, so productive that I find myself — with a deficit, it is true, of 800,000*l.* on the Post Office department, but — with an actual surplus on the entire revenue of 1,000,000*l.*, — am I, in that case, to be bound by this engagement of private honour, into which I have entered, to make good, by a new tax, the Post Office defiiciency? I ask this question; and I understand myself to be answered in the affirmative.

The CHANCELLOR of the EXCHEQUER. — No!

SIR R. PEEL. — The Right Honourable Gentleman says No. Well, then, we are not to be bound, in this case, to make good the deficiency. Here, then, at once is an additional reason why I should refuse to enter into a pledge which is to be so vague and indefinite, and which is to be left to the sense of every individual

Member to decide whether or not he is bound to redeem it? But suppose that this pledge is to be redeemed; at what time am I to be called upon to redeem it? The Right Honourable Gentleman the Chancellor of the Exchequer says, that the loss of revenue will be great for the first year; and the Honourable Member for Greenock, who was chairman of the Committee of Post Office Inquiry, limits the loss of revenue to one or two years. But, then, suppose that the contingency to which I have adverted should not occur, —suppose that in the first year there should be a deficiency to the extent of 500,000*l.* in the Post Office revenue; am I, in that case, expected to redeem my pledge? Suppose, taking the revenue of two years, that in the first year there should be a deficiency of 800,000*l.*, and in the second a deficiency of 600,000*l.*; am I then to be called upon to redeem my pledge? Or is it to be allowed to any Member to argue in this way, — "Why, here is a progressive increase in this branch of revenue; the deficiency is every year less and less; and, instead of consenting to additional taxation, let us only wait a few years, and, without any necessity for supply on our parts, the deficiency will be made up by the native vigour and elasticity of the Post Office itself?" This is the way in which numbers would argue; and if any proposition were made for a new tax, Honourable Members would get up and say, "Oh, don't you see that this branch of revenue is gradually and progressively recovering itself? Let us not, then, impose new taxes upon the people; but let us postpone any additional taxation for some years, when, you may depend upon it, that the increase and elasticity of this branch of revenue, itself, will supply the deficiency without any intervention of ours." If all these considerations will present themselves to Honourable Members giving this pledge, what is the use of the Right Honourable Gentleman calling upon the House for a pledge which, it is evident, is not to be redeemed? I can understand a pledge given by Parliament to the Crown, that if the Crown advance a certain sum of money, Parliament will make good the same; but I cannot understand the meaning of a pledge, when it is to be left to the discretion of the House of Commons — nay, more, when it is to be left to the discretion of any individual Member of the House — to determine whether or not the general circumstances of the country call on him for the fulfilment of that pledge. I hope—indeed, I have that confidence in the good sense and wisdom of Parliament, that I believe — the intentions of the Right Honourable Gentleman will never be realised. The Right Honourable Gentleman comes forward, on the 5th of July, and states his intention to bring in a Bill, not only on condition that the House shall consent to involve itself in this indefinite pledge, which is to be redeemed by the private honour of individual Members, as they shall or shall not think it obligatory upon them to redeem it; but, then, the Right Honourable Gentleman states that unless Parliament consent to give this pledge, he will abandon the measure altogether! For my own part, I can conceive nothing more objectionable than to call on the House for a pledge of this description. Was there ever such a pledge demanded, before? Can anything be more dangerous to the character of public men, and to the beneficial discharge of public duties, than that, on every occasion of financial embarrassment, a Government— to escape the immediate proposal of direct taxation — is to ask the House of Commons to relieve it by expedients such as this? Can anything be more discreditable to Parliament than to enter into a pledge, without being able to tell whether, or if ever, that pledge is to be redeemed? Can anything be more perilous to the public credit of this great country, or more calculated to lead to inconvenience and dissatisfaction, than to tell the people that you expect a deficiency of a million and a half, which is to be made good by some additional tax, and, at the same time, not to be able to tell them on what article that tax is to be laid? By referring to the balance sheet for 1837 and 1838, it will be found that there was a deficiency compared with what the Right Honourable Gentleman expected. There was a deficiency in the years 1837, 1838, and 1839; and the Right Honourable Gentleman the Chancellor of the Exchequer says that he expects a deficiency for the year ending the 5th of April, 1840, to the extent of nearly one million. But, then, the Right Honourable Gentleman says that he hopes that the present condition of Canada, which is a source of expense, will not be permanent. I am sure I sincerely hope that it may not be permanent; but, at the same time, I may be permitted to observe, that her Majesty's Government have made very little advance in the settlement of the affairs of Canada. But though the state of Canada may improve, yet, considering the complicated relations of this country in all parts of the world, —looking to the state of our West Indian possessions, — considering what is the state of the affairs in the East, — looking

to the preparations making on the part of France, as well as to the proceedings that are taking place on the frontiers of India, — can any man confidently anticipate that the deficiency which is expected for 1839 upon the postage revenue, may not — and that without blame to any one — occur, upon other grounds, considering the present state of the world? Under these circumstances, the Right Honourable Gentleman refers to the evidence of Lord Ashburton as to the probability that there will be a deficiency of 1,500,000*l.*, and invites Parliament to take the course of running the increased risk of a deficiency of 2,000,000*l.*, and he then asks Parliament to pledge itself to make good the deficiency. Sir, I am not prepared to run this risk; but if I were, as I stated before, I would be much more ready to do so without a pledge than with it. Well, then, if the deficiency of 2,000,000*l.* should be to be made up, on what branch of the productive industry of the country is the new tax to be raised? And, again, I ask, when are we to be called upon to redeem our pledge? Is it to be after one year, or after two years, or at some indefinite period, after some indefinite trial of the proposed plan? If the Right Honourable Gentleman calls upon us to pledge ourselves that, after one year of the Post Office experiment, we shall be prepared to supply the deficiency by permanent taxation, I see no reason why we should not be equally called upon to supply a deficiency arising from another cause. There would be just as much reason in the Right Honourable Gentleman calling on us to supply the deficiency of the last three years, as to call on us to supply the deficiency arising in consequence of the alteration in the Post Office. There is no distinction between the two cases; and yet we are called on to increase the hazard, and in the present state of the credit of the country to pledge ourselves, indefinitely, both as to the amount which we are to supply, and as to the time when we are to be called on to redeem our pledge. I say, Sir, that a precedent more dangerous, more discreditable to Parliament, and more fatal to the character of a public man or a Minister, was never before heard of. I never will consent to such a proposition; and I will never believe that such a proceeding could receive the assent of Parliament, until I hear the Royal assent given to the Bill which the Right Honourable Gentleman is to introduce.

Now, let us consider what are the grounds afforded for this proposition, by the present state of the revenue. It appears that the revenue for the present year is 47,838,000*l.* The Honourable Member for Kilkenny says that he anticipates a considerable reduction in the public expenditure of the next year, from the reduction of the military and other establishments; but has the Honourable Member compared 1837 and 1838? and if he has, he will find a considerable increase in those establishments. The Honourable Member for Greenock, when we come to ask to have this deficiency made up, will tell us, that the experiment is yet incomplete; and will say, that he told us at the time, that we could not judge of its effects before the end of one or two years; — that this is not a fair way to judge; — that we have not had, as yet, sufficient experience; — and that the people have not, yet, sufficiently come into the habit of correspondence; — and that he shall, therefore, oppose any taxation founded on incomplete experiment. Well, then, the Honourable Member for Kilkenny will tell us, that the way to supply the deficiency of the revenue is by the reduction of establishments. If the Right Honourable Gentleman had made this proposition, in the month of April, there would be some reason for him to call on the House for support; the Right Honourable Gentleman might have come forward at that time, and proposed such a measure, with some show of fairness. He might have stated, that he was prepared to give a boon to the lower classes, — that he was desirous to place the intercourse by letter on the same level as the intercourse by speech; but he certainly cannot, now, expect, that at this period of the Session, and in the existing state of the revenue, we should run the risk of injuring the public credit of the country by consenting to adopt the proposition of the Right Honourable Gentleman. I am surprised to see the Honourable Member for Kilkenny willing to hazard the revenue of the country, by an additional deficiency of 1,500,000*l.*, at a time when the Honourable Member states—I use his own phrase, though I do not believe the Honourable Gentleman really intended a joke—"that the public credit of the country is resting on a reed."

[Laughter,]

I must say, I do not think that the speech of the Honourable Member is much calculated to quiet the alarm which, he says, is felt at the present state of public credit; but I hope the working classes of this country will not be led, by the melancholy prognostications of the Honourable Mem-

ber, to damage public credit, by displaying any want of confidence in the savings banks. The Right Honourable Gentleman estimates the *maximum* of the deficiency for the present year at 918,000*l.*; but, supposing his anticipations are not realised; supposing the revenue of the present year should amount only to that of last year, 47,838,000*l.*; then 295,000*l.* must be added, the sum for which the Right Honourable Gentleman has taken credit, to the 918,000*l.*; and in case the revenue of the present year should only equal that of the last, the deficiency for 1839 would be, not 918,000*l.*, but 1,208,000*l.* Such are the financial circumstances under which I am called on to give this pledge. I ask, then, under the circumstances, which thus present themselves to our consideration,—am I to consent to a resolution, the basis of which is the supposition that a proposed alteration, which the Right Honourable Gentleman expresses his desire to effect, will cause a certain deficiency of 1,500,000*l.*?

[Cries of "No, no!"]

This, certainly, is Lord Ashburton's estimate of the loss of revenue that will be created in the first instance, by carrying this plan into effect. The Right Honourable Gentleman says, that all the high authorities in the country are in favour of the plan which he proposes. He could not, assuredly, have alluded to the authorities of the Post Office; for there could not be any stronger or more decided objection to his plan, than was expressed in the evidence of Colonel Maberly, secretary to the Post Office. I certainly, for my own part, think, that on subjects connected with the Post Office, the secretary of that establishment ought to be good authority; but whether his opinions on this subject are, or are not, well founded, I do not now take upon myself to say. When the Right Honourable Gentleman says that he has all the high authorities of the country in his favour, I think we may fairly be allowed to refer, for consolation, to the high authority of Colonel Maberly. Now, Colonel Maberly's opinion is, that he considers the plan altogether fallacious; that it appears preposterous, and quite unsupported by facts; and every reduction which has taken place on the part of the Post Office, with respect to the rates of letters, has shown the fallacy of the expectations that are formed from this plan; every reduction which takes place in the Post Office invariably leads to the loss of revenue; but where the reduction is small, the revenue in a short time recovers. However, he says, that if a reduction to 1*d.* were to take place, the revenue could not recover in less than forty or fifty years. Perhaps that is the time when our pledge is to be redeemed? This was the opinion of Colonel Maberly; and a similar opinion is entertained by the Earl of Lichfield. I do not say that those opinions convince me. I do not wish to say one word on that subject at present, because that is not the question we are now considering.

The CHANCELLOR of the EXCHEQUER. — Hear, hear!

SIR ROBERT PEEL. — I well understand the meaning of that cheer. I understand the sarcasm implied by the Right Honourable Gentleman is, that I withhold my opinion because it is a popular topic. The Right Honourable Gentleman thinks that I am afraid of losing popularity; but if that be true, and if I wanted to court popularity, I might at once consent to the plan, regardless of the condition of the revenue; but I tell the Right Honourable Gentleman, that if I thought I was committed to the abstract merits of the Right Honourable Gentleman's resolution, even if I voted alone, — alone would I vote, in opposition to a resolution brought forward for the first time to-night, without any intimation of its purpose; and if I allow that resolution to pass to-night, it is only because I understand that it is to be made the foundation of a Bill, and it is therefore that I reluctantly give my consent to it. The Right Honourable Gentleman says that he intends to introduce a Bill, because he thinks that we would prefer a Bill to a resolution. I certainly think a Bill the more constitutional mode of proceeding; but my consenting to the introduction of a Bill does not bind me from refusing my assent to the Bill, in case I shall not approve of it. The Right Honourable Gentleman, in the course of his speech, alluded to some facts illustrative of the condition of the country; and stated, that he did not do so for the purpose of raising any argument on the subject of the Corn Laws; but in the course of his financial statement he made some observations which appeared to me to have considerable bearing on that subject. The Right Honourable Gentleman said, that, estimating the amount of corn imported, and considering the state of the Bank of England, with respect to the amount of bullion exported, an estimate might be formed as to the apprehensions of danger expressed by some persons

from the continuance of the present system of corn laws. This argument is certainly worthy of consideration; but the statement of the Right Honourable Gentleman enables me to refer to another topic which bears with equal force upon the point. In the course of his speech, the Right Honourable Gentleman stated, that the export of British commodities last year was 42,000,000*l.*, whilst in the present year it amounted to 50,000,000*l.* Well, then, consequently, the supposed export of bullion from Great Britain has, it appears, no tendency to diminish the export of British commodities.

I wish, also, to refer to another fact, which shows that, notwithstanding the alleged pressure of the corn laws, and the pressure of a bad harvest, the comfortable condition of the people has not been affected, but that, on the contrary, they appear to enjoy an undiminished share of comfort. I refer to the state of the savings banks, and to the Returns respecting them, which are exceedingly satisfactory. I refer to these, because the Right Honourable Gentleman quoted them for the purpose of comparing the amount of deposits relatively to the amount of withdrawals, in various years. To this Return I therefore beg to call the attention of the House, not for the purpose of founding any argument on it with respect to the corn laws, but for the purpose of deriving from it the consolatory assurance that the comforts of the people have not been interfered with by any of the causes alleged to have produced that effect. Well, then, by this paper it appears that, in 1834, the deposits were 944,000*l.*, whilst the amount withdrawn was 542,000*l.*; in 1835, the deposits were 1,085,000*l.*, and the withdrawals 542,000*l.*; in 1836, the sums deposited were 1,289,000*l.*, whilst the withdrawals were 543,000*l.*; and, in 1837, the deposits were 988,000*l.*, and the withdrawals 800,000*l.* But what was the case last year, during the great pressure arising from a deficient harvest, and the necessity of importing foreign corn? During this year the savings banks gave a most satisfactory indication of the state of the people; for the deposits amounted to 1,495,000*l.*, whilst the withdrawals were only 468,000*l.* This was what happened last year, whilst the country was suffering from a deficient harvest and the necessity of importing foreign corn, — and yet the deposits in the savings banks during that year greatly exceeded the amount of the withdrawals. It is a satisfactory indication of the comfortable condition of the people that, last year, — the year 1838, — there was a larger amount of deposits than had been known in former years; and, in the same time, there was a less amount of withdrawals. The Right Honourable Gentleman said that he did not quote the facts to which he referred with any intention that they should bear upon the question of the corn laws; and I think that I have exercised the right of stating these facts in the same way, — at the same time remarking, that I have not the least intention, in doing so, to promote the views which I entertain on the same subject. Every topic connected with the financial statement of the Right Honourable Gentleman opposite has been so fully exhausted by the able speech of my Right Honourable Friend near me (Mr. Goulburn), that it is not my intention to go over the same course. I trust, however, that, if the Right Honourable Gentleman intends to persevere with his resolution, he will name some early day for that purpose, and that we shall have sufficient notice of the day when we are to be called upon to consider these two distinct questions, — whether, in the present state of the finances of the country, it is proper to run the risk of an additional deficiency to the extent of a million and a half? and whether, should the House consent to take that course, they will set such a fatal example to future Parliaments, as to consent to pledge themselves that — at some future day, by some species of taxation not yet known, and still to be named, and with the intentions of the Government undeclared upon the subject — they will make good, on such future indefinite occasion, an unascertained and uncertain deficiency.

Mr. WARBURTON. — In the first place, I beg to express my gratification that the Government, in this instance, has proceeded by Bill, and not by resolution, only. This is a question which should be submitted to the deliberate consideration of Parliament, so that, by the discussions in this House, and throughout the country, it may be ascertained whether it be proper to adopt the plan proposed, or not. If Parliament should determine that it is not proper to do so, then it will be for the country to approve of or dissent from that opinion. I beg the House to consider what is the real position of the question. We have it on record, — from official, indisputable Returns, laid on the table of the House, — from a body of evidence given before a select committee of their number, — by men from all parts of the country, impartial, intelligent, and practically conversant with the sub-

ject, — that whether we look to the state of the Post Office revenue in England, Scotland, or Ireland, that revenue has been stationary for the last twenty years, and occasionally even retrograding. What is the cause of that unsatisfactory state of that particular branch of the revenue? The other departments of public taxation have, generally speaking, made advances, proportionable, at least in some degree, to the increased population and facility of intercourse throughout the kingdom. There must be some special reason for that solitary position of the Post Office revenue. Where, then, can we find the cause? I would refer the House to the Appendix to the Third Report of the Select Committee on Postage, and they will there perceive that the rate of postage charged for the transmission of each letter, compared with its actual cost, is at the rate of 1000 to 1400 per cent. I consider such a system, not as one merely of taxation, but as extortion. It is a system to which I can find no parallel. It is totally unrivalled by anything in the financial annals of the country, — unless, perhaps, I except the impost on tobacco. Can it, then, be wondered at, that the Post Office revenues should be stationary, that there should be a suppression of correspondence, and that the Post Office duty should be evaded? Let the House consider the evidence laid before them by the select committee as to the suppression of correspondence occasioned by the present heavy rates, — the illicit intercourse which those high rates create, — the devices for conveying letters by private hands which are resorted to, — and I am confident they cannot hesitate as to the advantages which would result from adopting the plan of Mr. Rowland Hill. When we find such results from the present scale of postage duties, — when we find that the Post Office authorities, themselves, admit that the present state of things cannot be maintained, — are we still to hesitate in giving our conclusive assent to the adoption of a better system, because it is expected that there will be a deficiency, rather than a surplus, in the general revenue of the country? If we are to wait till a surplus in the general revenue will justify the change, I do not know when the public can expect to reap the benefit. The Right Honourable Gentleman the Chancellor of the Exchequer will tell you that, in the present temper of Parliament, it is not likely there will be a speedy surplus. Take the army, the navy, the colonies, or whatever department you choose, you will find a disposition prevailing, on every hand, to run into extravagance. Are you, then, I would ask, to defer proper and judicious measures until that extravagance ceases? Are you to defer the application of an acknowledged remedy for such a vague and indefinite period? And that, for the shallow reason, — that because of the prevailing disposition to extravagance, there is no surplus to justify the Government in adopting any great change in the financial policy, however just or expedient in itself. If we are to act on that principle, I fear we shall have to wait, at least, till the expiration of the forty or fifty years, which, according to the evidence of Colonel Maberly, read by the Right Honourable Baronet, are expected to elapse before the Post Office revenue will recover itself from the effects of the change. As the Right Honourable Baronet has been pleased to refer to extracts from the evidence attached to the Report of the select committee, I will also refer to the abstract attached to that Report, the responsibility of preparing which mainly devolved upon myself; and, with the permission of the House, I beg to refer them to the evidence of Colonel Maberly, which, on the subject of the reduction of rates, was to the effect — that he certainly did think, and had always said, that the present rates of postage are a great deal too high, and so he believed that every Postmaster General for many years considered them, — too high for the interests of the public, and too high for the interests of the revenue. I merely refer to that evidence, to show that, in the opinion of a great Post Office authority, the present rates are considered a great deal too high; and when we are told that these rates are too high both for the interests of the public and those of the revenue, the time is surely come for making the proposed reform in the groundwork of this decayed branch of the public establishments, and for applying the remedy by which, instead of waiting for a surplus, we shall, in all probability, do much to produce one.

The next question, then, is, — what sort of remedy we should adopt? I have already shown that the tax on the transmission of each letter is as high as 1000 to 1400 per cent. The actual cost of carrying a letter is about ¾*d.*; and the postage charged, on an average, is 7¾*d.* on single letters. At a moderate computation, then, that amounts to 1000 per cent. By a singular coincidence, the cost of a single letter in France is about ¾*d.* also; but then the Post Office charges at the more moderate average rate of 5¾*d.* In that country, the Government only charge a

five-fold and a fraction instead of a ten-fold, as in this country. Sir, the Right Honourable Baronet read the evidence of Post Office officials, and I have followed his example. I will now read the opinion of a gentleman extensively engaged in mercantile pursuits, who has given to the public, works of great importance and utility, and which have received just attention and admiration. I allude to the evidence given before the select committee by Mr. Cobden, of Manchester, whose opinions deserve every consideration. The House will find the opinion of that gentleman to be thus expressed in answer to the question, — What he thought of the manner in which the Post Office was conducted?

I think the general feeling throughout the commercial community has not been so adverse to the mode of managing the Post Office, as to the legislation to which it is subjected: the rate of duties, which of course are laid by Act of Parliament, is not in the hands of the executive functionaries of the Post Office. That it is a total failure as a great commercial establishment — if I might so term it — is proved unquestionably to the whole community, by the fact of its being stationary in the amount of its profits and returns; we consider that the mode of conducting it has proved it to be a total failure — commercially speaking, the greatest failure in the country.

I might take up the whole night in quoting corroborative testimony. I might also quote the evidence of Mr. Jones Loyd, of whom none will speak, on such subjects, without fully acknowledging the importance and great weight of his opinion. That opinion was to the same purport.

[Cries of "No, no!"]

Is that disputed? Is it disputed that Mr. Jones Loyd considered the present rates of postage too high? Why, Mr. Jones Loyd went further than Mr. Cobden; for he not only said that he considered the present rates too high, but he said that, looking at the matter in an abstract sense, and judging of its social and moral effects, he viewed the Post Office revenue as an unfit subject for taxation altogether. In the course of his speech, the Right Honourable Gentleman the Chancellor of the Exchequer told us that, in one particular quarter of the year, the Post Office revenue exhibited an improvement of 9 per cent.: but when it is considered that, on a comparison of twenty years, the increase was only as 1½ on 1000, he cannot expect that the House will form any favourable opinion, from hearing of that temporary improvement in one solitary quarter, as regards the present system of Post Office taxation. But I think it is creditable, at the same time, to the Right Honourable Gentleman, that he has come forward, on the present occasion, to propose the adoption of Mr. Hill's plan, — certainly more creditable to him as the organ of the Government, than if he had waited for a more favourable year, when the state of the revenue would have rendered it a measure of more easy attainment. Then, as to the nature of the remedy. All the witnesses who were examined by the committee, with the exception of Colonel Maberly, said that, unless a large and sweeping reduction were made, the benefit of the change would be entirely lost, — that it would be totally useless to make any moderate diminution of the rates, — and that they need not attempt an alteration at all, unless it were carried to such an extent as should give rise to large and new classes of correspondence. I am glad that the Chancellor of the Exchequer concurs in that opinion. I shall now say a few words in justification of the course adopted by the select committee. It is true they reported in favour of a uniform rate of 2*d.*; but it is proper to state that they did so only on the principle that a uniform rate of 2*d.* was better than no uniform rate at all. At first, I proposed to the committee to recommend a uniform rate of 1*d.* I was unsuccessful in carrying that proposal, and I then recommended a uniform rate of 1½*d.* Again unsuccessful, I proposed the twopenny rate; and, more fortunate in that case than in the former, my motion was carried by the casting vote of the chairman. To that vote of the committee I willingly acceded, because every argument which could be applied in favour of a twopenny rate, was applicable, with equal force, to a uniform penny rate. By these means, the committee were enabled to embody in their Report an account of the great extent to which correspondence by post was suppressed. They were enabled to bring forward every general conclusion in favour of Mr. Hill's plan, — all facts and arguments in favour of a low uniform rate. The minority on the vote for a rate of 1*d.* acquiesced in the Report, upon the ground which I have explained, — that the facts and arguments would be equally, and, indeed, more applicable to a lower rate; and I therefore still adhere to the general plan of a uniform rate of 1*d.*, — a course which has been so ably advocated in the pamphlet of Mr. Hill, — so fully explained and supported in the Report of the select committee, — and now, I am rejoiced to think, crowned with triumphant success.

The changes which will be obviously necessary, in consequence, are of two kinds: first, a reduction in the rate; secondly, the adoption of measures necessary to facilitate the increased demand for Post Office communication. On the first of these, enough has been said already. Then, as to the second point, — the measures proper to facilitate Post Office communication, — the first of these is, unquestionably, payment in advance. The Right Honourable Gentleman the Chancellor of the Exchequer has said that, although he wishes, generally, to introduce the system of payment in advance, if he should judge proper, yet he wishes to have a reserved power on that subject, — and that it should be optional to pay in advance, or not, as parties might prefer, — at least for a limited period. Now, although I might agree with Mr. Hill's suggestion, that, in the first instance, and for a short time, it might be well to leave it to the option of the party sending the letter, whether to pay in advance, or not. Still I am confident that the measure will not succeed, unless pre-payment be enforced as a rule, at once, from its introduction. At present, it is admitted, by high authority, that it is impossible, under the present system, to ascertain how far collusion and peculation might go on among the deputy postmasters. I do not attribute dishonesty to those functionaries; but, in the Report of the Commissioners on Post Office Inquiry, it is stated that there was no mode of ascertaining how far peculation might go among those officials, throughout the country. Neither does that opinion depend on the Report of one commission. It has been repeated by several. The opportunities of defrauding the public in the manner referred to by those commissioners would be effectually suppressed by adopting the principle of pre-payment, by means of stamped covers; but if the risk of fraud be so great under the present rates, what might it not be under the reduced rate, when country correspondence would be so much increased? It is clear, then, that, to maintain a cheap rate of postage, the system of payment in advance, by means of stamped covers, is necessary. Then, as to the economy of collection in the revenue. Mr. Hill has published a paper containing calculations on this subject, which is not contained in the Report of the committee, showing that, under the system of stamped covers and pre-payment, the expense would be one sixth less than at present. The greater expedition that would be accomplished in the delivery of letters, by the pre-payment, would be productive of considerable saving. I might refer to the 18th Report of the Commissioners of Revenue Inquiry on this point, where it is said that the average time of delivering franked letters is only three seconds each, while that of unpaid letters averages eighty seconds per letter, — that is, franks one twenty-sixth. These are facts that ought to weigh with the Right Honourable Gentleman the Chancellor of the Exchequer. I must say that I view with considerable alarm the doubt which has been expressed as to adopting Mr. Hill's plan of pre-payment and collection by stamped covers. I trust that the principle of pre-payment is not to be excluded, if experience should show that principle to be expedient. An objection has been made by a gentleman of high authority as a writer on political economy, Mr. M'Culloch, on the ground that the public would not have security for the due delivery of their letters, if the principle of pre-payment were adopted. Now, it is my opinion, and in that view I am supported by Monsieur Piron, the Secretary of the Post Office department in France, that the system of registration proposed by Mr. Hill would be found to operate as a security against any risk of the abstraction of letters. Mr. Hill proposes that a charge of ½*d.* should be made for the registration of a letter, for which the Post Office should grant a receipt to the party paying that sum, containing a copy of the direction of the letter. In this way, the circumstance of registry could only be known to the person who posted the letter, and the party who gave the receipt; and it really does appear to me, and I may say to every impartial mind, that by adopting the system of registration, the security would be greater to the public under the plan of pre-payment and collection by stamped covers, than under the present plan of management; therefore I set at nought the opinion so confidently expressed by Mr. M'Culloch. I should here observe upon the premature alarm which has been alluded to by the Right Honourable Gentleman, as existing on the part of the paper-makers, who are apprehensive that a monopoly would be given for the supply of the paper necessary for the stamped envelopes. I consider it quite premature to enter, at present, into details; but I think the Government ought to let it be generally known that they wish to obtain the best plan to prevent forgery. Let them make that known on a principle of free competition, and delegate the decision to proper judges; and let them, then, give a pecuniary reward to the per-

son who may bring forward the best practicable plan; and no ground of complaint can remain.

With regard to the question of the pledge to be given by Parliament to make good any deficiency in the revenue occasioned by the possible failure of this plan, — I am quite ready, individually, to give such a pledge upon certain conditions. But I must first know at what time the Government propose to call on the House to redeem the pledge? — whether a fair trial is to be given to the plan? I should have no objection whatever to vote for a new tax to cover any deficiency caused by the failure of the plan, provided the state of the revenue required it; but I should by no means be prepared to do this at the end of twelve months, because I am quite satisfied that twelve months would not be a sufficient time to afford a fair trial of the plan. The Right Honourable Gentleman has called on the House to pledge itself to make good any deficiency in the Post Office revenue that might arise from the failure of this plan; but does he mean to say that, whatever may be the state of the finances of the country, — whether there be a deficiency in the general revenue of the country, or not, — he would still call on the House to redeem its pledge, provided there be a loss in the Post Office revenue only? If the Right Honourable Gentleman mean this by his resolution, I, for one, am not prepared to enter into any such engagement. I maintain that twelve months would not be a fair trial of this plan. Look at the case of the advertisement duty. It was reduced from 3*s.* 6*d.* to 1*s.* 6*d.*, having been retrograding for four years previously; yet the revenue arising from the advertisement duty is now 75 per cent. of what it was before the reduction, and it is advancing at the rate of 8 per cent. per annum; so that, in three years from this time, the revenue from the advertisement duty will amount to as much as it was before the reduction; — but no one would think of coming down to the House to call for the imposition of a new tax to cover the 25 per cent. now deficient in the advertisement duty. I maintain that there ought to be a full and fair trial of this Post Office plan. I do not think that less than three years would afford a fair trial. And, at the expiration of that period, if it can be shown that a loss to the revenue has arisen from the adoption of the plan, and the state of the finances should require it, I hold myself pledged to vote for the imposition of a new tax to cover that deficiency. But my own opinion is, that no such deficiency will be found to exist; and that therefore the House will not be called upon to fulfil the pledge, even if it be given. I consider that the Government are entitled to the thanks of the country for having adopted the plan in the manner they have done, and particularly when the present state of the revenue of the country is borne in mind.

Mr. WOLVERLY ATTWOOD. — It appears to me that there would be insuperable objections to that part of the resolution proposed by the Right Honourable the Chancellor of the Exchequer, which goes to pledge the House to impose a new tax to make up any deficiency in the Post Office revenue — the probable amount of which is calculated at 1,500,000*l.* — that may be occasioned by the introduction of the penny postage system. Is it intended, by this proposed pledge, that, in the event of the contemplated defalcation of 1,500,000*l.* being found to result from the penny postage, Honourable Members are to consider themselves bound to support any tax — of any nature, or upon any article — which the Right Honourable the Chancellor of the Exchequer may select, to compensate the deficiency? If the meaning of the resolution is considered to be of so extensive and binding a character, obliging the House to adopt any tax which the Minister of the day may prefer, — whether malt tax, or house tax, or whatever other the imposition may be, — I do not think the House of Commons can consistently undertake such an obligation on themselves; still less pass a resolution which professes to be binding upon a new House of Commons, in case the present should be dissolved before the performance of the pledge is required. Yet, if the resolution be not construed in this extensive and obligatory sense, — if the House be not bound implicitly to adopt whatever tax may be fixed on by the Chancellor of the Exchequer, — then, when he shall come down to call on the House to supply the means of making up his deficiency of a million and a half, he will find some Honourable Members hostile to one mode of raising the money, while some will oppose another, and there will be a considerable hesitation and difficulty in deciding on an impost which shall be open to no objection from any party. Such being the character of the resolution, I consider it very inexpedient, and, in fact, impracticable; and can scarcely imagine that it would have been submitted to the House, if the Chancellor of the Exchequer had really believed that it would require to be acted on, — unless, indeed, the Right Honourable Gentleman

expected that, when the difficulty arrived, the task of disposing of it would have devolved upon others.

Upon the more important portion of the subject under consideration, — the finances of the country, — so strong and general an opinion has already been expressed upon the dangerous position in which the Right Honourable the Chancellor of the Exchequer has represented the financial arrangements to be, and in which he proposes to leave them, and the consequent hazard to the public credit of the country, that I should scarcely have felt it necessary to make any observations, had not the calculations of the revenue, upon which the Right Honourable Gentleman relies, appeared to call for some notice. The statement made by him, is, that it is expected that the revenue of the year 1839 will exceed that of the year 1838 by 250,000*l.* There will, then, be a deficiency of 900,000*l.* of income below the expenditure, — which is in itself a sufficiently unfavourable circumstance. But on what grounds is the estimate of revenue founded? and what reason is there for reliance upon its accuracy? The Right Honourable Gentleman the Chancellor of the Exchequer forgets that, when he made his financial statement last year, he had to submit to the House an account of a revenue 2,000,000*l.* below the estimate which he had formed,—the revenue for 1837 having been 45,000,000*l.*, while the estimate was 47,000,000*l.* Why might we not consider a similar defalcation in 1839, as, at all events, possible? The revenue for 1838 has, it is true, increased over that of 1837; but the explanation which the Right Honourable Gentleman gave, last year, of the cause of the diminution in the receipts of the Exchequer in 1837, and the grounds on which he based his calculation for 1838, were such as to afford, even on his own showing, the strongest reasons for anticipating a falling off in the revenue for 1839. He has said that the cause of the reduced receipts in 1837, was the embarrassed state of commercial affairs, — and he read the House a lecture from Mr. Tooke, *On High and Low Prices*, to show that the necessary consequence of reduced prices is an empty Exchequer; and he stated that the reason he relied on an improvement in 1838 was, that commercial transactions were, and would continue, in a sound state,— the proof of which he found in the amount of the bullion which was then in the coffers of the Bank of England. The Bank had, at that time, — in May, 1838, — 10,000,000*l.* of bullion, according to the published accounts. According to the account last published, the Bank has not, at this time, more than 4,000,000*l.* of bullion. The sound state of things, therefore, of which the Right Honourable the Chancellor of the Exchequer spoke in 1838, and on the continuance of which he stated that he relied for the production of the revenue which he required, no longer exists; and, according to his own arguments, there is every reason to look for a deficiency in the produce of the taxes. Supposing that deficiency to be 2,000,000*l.* below his estimate, as it was in 1837, there would then be a revenue 3,000,000*l.* less than the expenditure. And, even if the penny postage did not occasion the further deficiency of 1,500,000*l.*, which has been stated to be probable,—would there not be danger to the public credit in suffering the finances to remain subject to so many hazardous contingencies, and allowing the revenue thus to continue fluctuating on the verge of a deficiency? There is too much reason to anticipate that the state of commercial affairs during the ensuing year will be attended with difficulty and embarrassment, and that circumstances will be highly unfavourable to any financial operation. It would be desirable, on every ground of policy and prudence, that the Chancellor of the Exchequer should decide at once on taking measures to place the finances of the country on a more sound and stable footing, and thus give security to public credit; and I hope that, when the resolution for issuing Exchequer bills shall be submitted to the House, this subject will be fully considered, and satisfactory measures adopted.

The CHANCELLOR of the EXCHEQUER. — As I understand the Right Honourable Baronet the Member for Tamworth does not dissent from the proposition I have now made, and as I am most anxious that the subject should be fully discussed by the House, I am desirous of taking the discussion at such time as may be most convenient to the Right Honourable Gentleman and to the House. I shall, therefore, be glad if the Right Honourable Baronet would at once state the course he intends to pursue, — whether he proposes to offer his opposition to the Report of the resolution, or on the second reading of the Bill? I am most anxious to give the House and the public an opportunity of saying "Ay" or "No" to the proposition.

SIR R. PEEL. — I do not know that it matters whether we have the opportunity of debating the proposition at the

second reading or at the Report. I have no desire for a double discussion on the question. I never am disposed to carry on a mere vexatious opposition, after a question has been fairly decided upon; I therefore shall be prepared to take the discussion on the Report, if convenient, — provided a day not too early be fixed for the purpose, — and provided the Bill be strictly in accordance with the resolution. And if the sense of the House should be decidedly marked on the Report, I — without giving any pledge on the subject — shall not be disposed to give any vexatious opposition. If, therefore, the Right Honourable Gentleman will name a reasonably distant day for the Report, I shall make no objection.

The CHANCELLOR of the EXCHEQUER. — Friday next?

SIR R. PEEL. — I have no objection to Friday.

The CHANCELLOR of the EXCHEQUER. — Then we will fix this day week for the Report, with the understanding that the discussion shall then be taken. I cannot sit down without thanking my Right Honourable Friend the Member for Cambridge for the calm, dispassionate, and impartial manner in which he has urged his argument. He has stated his objections strongly and forcibly, — and I assure him I feel the full force of them, — but at the same time in a spirit of calmness and moderation for which I feel especially grateful. There were one or two topics in the speech, to which I could have wished to advert; but, as a full discussion will be taken at another period, I should think it premature to enter upon them now. I must, however, guard the House against the inference that might be drawn from the speech, of the Right Honourable Gentleman opposite, — the effect of which, as it appeared to me, was, that unless the House were in possession of a surplus revenue of 1,500,000*l.*, with which to try the experiment, it would not be advisable, in the absence of certain *data* as to the probable amount of resulting profit or loss, to pledge themselves to an *à priori* tax, to meet whatever deficiency might arise. The Right Honourable Gentleman then quarrels with me, because my proposition involves a pledge; and Honourable Gentlemen on both sides have touched, as I think, somewhat lightly upon this part of the subject. I say, for one, that I do not by any means feel this to be a light matter; and I deny that any analogy is to be drawn between resolutions on matters of public and general policy, and a pledge given upon a subject in which the public credit is involved. If such a pledge could be lightly set aside by the Parliament, by whom it was given, on what security would the public credit rest? I look upon such a pledge as not one made to the Government of the day, or to the constituency, but as a pledge to the public creditor, that if the means of defraying the debt due to the public creditor become diminished, then those who have called for the measure that has caused the danger, will be prepared to meet the consequences. The Honourable Member for Bridport has asked whether the fulfilment of the pledge will be demanded in the event of a deficiency of the Post Office revenue, only, and even if it should not be required by the state of the revenue generally? I say, Certainly not; — because one of the great arguments for the proposed plan is, that together with the increase of the means of communication will be the increase of commerce. If, then, there appear a loss of 500,000*l.* on the Post Office revenue, at the same time that the other branches of the revenue yield a surplus of 1,000,000*l.*, it is no part of my proposition, that, in that case, the pledge should be enforced. Then, the pledge resolves itself into this; — that the House is not bound as to any particular tax; and that, upon any tax we may propose, we are liable to be opposed and beaten, — of that I am perfectly aware. But, then, I say, we have a right to suppose that any proposition which might be hereafter brought forward, as resulting from the adoption of this plan, will be fairly met; and that, if we show an absolute necessity to provide a tax to meet any deficiency that may have been occasioned, although the House may object to the particular tax proposed, it will yet feel itself bound to provide some tax to cover the deficiency in the revenue. It is in that view that I make the suggestion; and without such an assurance on the part of the House, I should not feel myself justified in proceeding with the resolution. I do not intend to offer a word in reply to the statement of the Honourable Member for Kilkenny as to the banking affairs of this country. I will not say that the question has not been fairly, justly, or candidly stated by the Honourable Member; — but this I will say, — that I am quite sure an incautious or inconsiderate discussion of a subject so weighty — particularly in times like the present — is, above all things, the most calculated to create unnecessary alarm, and, in every way, the most to be deprecated. I can

conceive much evil, as likely to arise from such a premature and incautious discussion; but I can imagine nothing of good which can possibly result from it. The Honourable Member for Kilkenny is, of course, at liberty to take any course he pleases; but I would call upon him to weigh well what may be the consequences, in this kingdom, of a discussion upon such a subject, carried on in such a tone, and in such a spirit, as those he has adopted in bringing forward this question to-night.

Mr. GILLON. — I think the House has a right to complain of the financial statement being delayed till this late period of the Session, when Honourable Members are pairing off, and there is not the means of obtaining the sense of the House upon the question of what taxes should be continued, and what abolished? To bring forward the Budget at this advanced period of the Session is, in fact, a mere farce. I am glad that the Honourable Member has now, for the first time, adopted the principle of shifting taxation. At the same time, I could have wished that the Right Honourable Gentleman had taken up the question on a broader basis, and had done something to relieve the industrious classes from some taxes which press hardly and unequally upon them. I regret, too, that the Right Honourable Gentleman has not announced any intention of attempting to ameliorate the system of taxation on the internal communication of the country; and I regret this the more, on account of the pledge given by the Right Honourable Gentleman, on this subject, on a former occasion. The Right Honourable Gentleman then pledged himself to bring in a Bill to remedy that unequal system of taxation, by the operation of which a most meritorious and industrious class of the community are rapidly sinking from a state of affluence to ruin. Great complaints have been made by the postmasters in Scotland, at this neglect in reducing the post-horse duties; and I cannot help considering that there has been a breach of faith committed towards those parties, after the promises held out on the subject by the Right Honourable the Chancellor of the Exchequer. For my own part, I shall not be satisfied until this duty be taken off; and I propose to bring the subject under the consideration of the House on an early day, in going into a Committee of Supply, — when I trust the House will support me in getting rid of so unjust and unequal a system of taxation.

The CHANCELLOR of the EXCHEQUER. — It is true that I have made such a statement as that to which the Honourable Gentleman has alluded; but the Honourable Gentleman must know that, at the time his motion was brought before the House, on the subject of internal communication, the question of the postage duty had not been mooted or brought under consideration. If the Honourable Gentleman will look at the date of the Report, he will see that, at that time, it was not in the hands of Honourable Members. But it being once brought under notice, — it being decided upon that it should be proceeded with, — it is obvious that this question is quite large enough for the deliberation of Parliament, during the present year, without mixing it up with extrinsic matters with which it has no necessary connection whatever. I stated, distinctly, to the deputation of post masters which waited on me, that, having undertaken the question of the postage on letters, the Government could not take up their case at that time. The parties expressed their regret, it is true; but there was nothing like surprise or astonishment expressed by them at the course the Government had determined to pursue. I think it is somewhat hard that a charge should be brought against me, when I have endeavoured, as far as I could, to satisfy all parties; and the more so, when I am, even now, preparing a Bill which will relieve some of those parties, — if not the whole.

Mr. ALDERMAN THOMPSON. — I think that nothing can be more prejudicial to the public interests, than that a tax should be taken off one article and imposed on another, in the manner that has been suggested to-night. With respect to the statement of the Right Honourable Gentleman the Chancellor of the Exchequer, I must say that I cannot help questioning the policy of increasing the amount of the unfunded debt, which, in my opinion, is quite large enough already. Looking to the present state of the public mind, I conceive that it would have been better if the Right Honourable Gentleman had proposed to fund a considerable amount of these Exchequer bills. It should be recollected that these bills are payable at demand at certain dates, and that, at the present time, the Exchequer bills amount to 22,000,000*l.*; there is also, at this moment, a very considerable amount of savings bank money taken up by Government, which may be demanded, or called in, at any moment. These circumstances should be con-

sidered by the Right Honourable Gentleman, in framing his financial scheme for the year. I have witnessed, with regret, this departure from the usual practice of Chancellors of the Exchequer, as regards the keeping the expenditure within the income of the current year. This is the third year in which this bad policy of departing from that course has been pursued. Depend upon it, the old practice was more in conformity with sound policy; and that it is better to have a surplus income, at the end of the financial year, than leaving matters thus to the adjustment of chance. As regards the charge that has been made against the Bank of England by the Honourable Member for Kilkenny, I entirely concur in what fell from the Right Honourable the Chancellor of the Exchequer, that nothing is more to be deprecated than are premature discussions upon such a subject. But this, at least, we have a right to expect from the Honourable Member for Kilkenny,—that, when he brings forward his threatened motion against the Bank, he will be prepared with facts to support his assertions, instead of relying upon sources of information, which, to say the least of them, are very questionable. For I must contend that the statement of the Honourable Member, as to the conduct of the Bank of England, was a gross exaggeration of facts. I do not accuse the Honourable Member of intentional misrepresentation; but I can assure him that he has been imposed on by the parties who have communicated with him. The Honourable Member has said that the Bank has been guilty of a breach of faith, in making sudden alterations in the rate of interest upon advances. Now, I would call to the recollection of the House, that, during eight or nine years, the Bank has been in the habit of making advances, occasionally, to the public; and I think few persons will be inclined to dispute that that practice has worked well, and has tended to equalise the circulation. It is well known that, at the end of the quarter, there is usually a great demand for money,—and it was then the practice for the Bank to make temporary loans, for about six or seven weeks. At the early part of June last, or the end of May, the Bank gave the usual notice that they were ready to make advances until the end of July, on bills of exchange, and other similar securities, at 5 per cent.,—that was a larger rate of interest than had been required for many former years. It was then supposed that there would be a considerable increase in the export trade; but, unfortunately, that anticipation was not realised,—for the export trade did not arrive at its anticipated state of activity, and foreign exchanges declined. What, then, was the Bank to do? They could do no other than raise the rate of interest on their advances from 5 to 5½ per cent. There was no breach of faith in that. The Bank had entered into no engagement that the first resolution, by which money was to be advanced at 5 per cent., should be irrevocable. And the fact is, that the raising the rate of interest has been productive of much benefit. It has had this effect, at least,—it has put the public on their guard, and has stopped the transmission of Continental securities from this country,—and has thus operated favourably on our exchanges. The Honourable Member for Kilkenny has said that, some time ago, the Bank had nine millions and a half of bullion in its coffers, and asks, how is it, that this amount has been reduced one half? The Right Honourable the Chancellor of the Exchequer very satisfactorily replied to this, when he stated that 2,500,000 quarters of foreign wheat and flour have been imported, in consequence of the bad harvest last year, at a cost of upwards of 7,000,000*l.* sterling. And this could only be obtained from markets where there was no demand for our manufactures, by an exportation of the precious metal. This, I think, ought to be a satisfactory explanation to the Honourable Member for Kilkenny for the reduced amount of bullion in the coffers of the Bank. But the Honourable Member has said that the amount of bullion in the Bank has been, of late, reduced to 3,000,000*l.*; and he asks what will be the result, when a demand of 6,000,000*l.* shall be made for the payment of the July dividends? The Honourable Member should be cautious in indulging in such assertions, unless he knows them to be well founded. And here let me ask the Honourable Member what authority he has for saying that, at this time, there are no more than 3,000,000*l.* of bullion in the Bank? The only information he can have on the subject is the quarterly returns of bullion published in the *Gazette*, which, in the last quarter, gave an amount of 4,440,000*l.* of bullion. I hope that, for the future, the Honourable Member will not indulge in such wild and visionary assertions respecting the Bank; but will abstain from bringing forward these accusations against the Bank, so calculated to alarm the public mind, until he knows that he can rely on the authority upon which he makes them. I beg pardon of the House for having detained them with these few observations; but I could not allow a charge of breach

of faith to be urged against the Bank without offering this explanation.

Mr. O'CONNELL. — I shall not interfere with the various extraneous matters which have been touched upon in the course of the debate. It is my wish to confine my observations to the vote before the House. I heartily support the proposition to alter the postage to 1*d.* a letter; for I think it is one of the most valuable propositions which have been made, for giving relief to the people of this country, since I have had the honour of a seat in Parliament. It is, I think, impossible to exaggerate its importance — and, above all, to that portion of the empire with which I am connected. It is with the utmost surprise that I have heard that we are threatened with having this made a party question, and the statement that we are to have a party division on the subject this night week.

[Cries of "Oh, oh!" from the Opposition, and "Hear, hear!" from the Ministerial benches.]

I am sure that all classes out of doors will be astonished at such a proceeding. I have heard the threat held out, this night; and the party opposite ought not, after this, to shrink from the step they have menaced us with, this day week. If this plan should be rejected, a most valuable improvement will be swept away. It is deeply to be regretted that this beneficial measure is to be made dependent on a party proceeding. The first part of the resolution goes to pledge the House to alter the rate of postage; and the remainder is a pledge to supply any deficiency that may take place in consequence of that alteration. We have been told that the sense of the House is to be taken on the latter point. Will any man, who considers the importance of affording facilities for communication between one portion of the country and the other, consent to oppose such a proposition? It is most objectionable to consider the Post Office as a source of revenue. All that the Government ought to require or expect from the Post Office is, that there should be a sufficient return to reimburse them for their expenditure in the department; and, if there be not a sufficient return, that the Government should even be prepared to make a sacrifice, to enable persons to correspond with each other at the lowest possible rate. The people ought not to be burdened with one farthing more of expenditure for this subject than is necessary. Making the Post Office a matter of revenue, operates as a virtual denial or prevention of communication between one part of the country and another. And it appears that this state of things is to be kept up for party purposes. It, above all, affects the poorer classes, in all the relations of life; and prevents communication between parent and child, and husband and wife. It was bad enough to make Canada a party question, — it was bad enough to make Jamaica a party question, — and, above all, the poor laws a party question; and, I believe, many men in this House owe their seats to making the poor laws a party question. But this is a question that presses vitally on the dearest relations of the poorer classes, and it is most disgraceful to make it a party question. I feel that it peculiarly affects my countrymen in this country; for it is notorious that they are constantly sending small sums of money to their still poorer relations in Ireland. I often wish that I had forty franks a-day, for the purpose of giving them to such persons, instead of giving them as autographs for scrap-books.

[Cries of "Oh, oh!"]

If a gentleman could not receive a letter from his son without giving one fiftieth of his income for it, what an outcry would there be made at the existence of such a cruelty? And yet this is the situation of the poor. But it appears their complaints on this subject are not to be regarded. In consequence of a reduction of 1*d.* in the charge on the only railroad in Ireland, there has been an increase of 27 per cent. in the travelling in four months; and why not the same principle apply, in a similar ratio, to the postage? I say, then, we have no reason to suppose that loss would accrue to the revenue from the proposed change. We have every reason to believe that the entire revenue will be made up by the great increase that will take place in the correspondence of the country; for there cannot be a doubt that every person will receive and send six times the number of letters that he does at this present time; therefore my opinion is, that the revenue will not fall off at all: but still, I say, we have a right to call upon the House to pledge itself that, come what will, the public creditor shall not suffer by the experiment. I have only to add, that I never in my life supported a measure with greater pleasure than I do this.

Mr. H. HINDE. — I believe there is a strong feeling in the country in favour of a penny postage, — but I am not satisfied that that feeling will be so general when it shall be known that the plan involves the necessity for laying on another tax upon the people, in place of the impost to be removed. At all events, I think, when the faith of Parliament is to be pledged to supply any deficiency in the revenue, the country should have an opportunity of considering upon what article the tax should be laid. I do not accuse the Right Honourable the Chancellor of the Exchequer of any breach of faith in this matter, for I believe he considers himself fully justified in taking the course he has adopted; but I do say, that when parties come to him, and ask him to reduce the post-horse duty, and thereby to place them on equal terms with those untaxed parties by whom they are opposed, it is no answer to them to say, that a reduction of the postage duties is to be made, and therefore their claims cannot be considered. It is my opinion that all persons conveying goods and passengers from one part of the country to another might be placed on a fair footing with regard to each other, without risking any loss to the revenue.

Mr. DARBY. — I shall not deign to answer the Honourable and Learned Member for Dublin's statement, that we on this side of the House have taken up this subject as a party question, and are influenced by party motives in the course we take on this occasion; for the Right Honourable Baronet the Member for Tamworth has stated, that he has, himself, received communications from his constituents, urging upon him the support of the proposition; but that he considers the principle involved to be so important, that he cannot, notwithstanding the feeling of his constituents, give his assent to the resolution. I have not yet heard any Honourable Member give the distinct pledge that the Right Honourable the Chancellor of the Exchequer requires, to make good the resulting deficiency that may be occasioned by a direct tax. The Honourable Member for Bridport, one of the most strenuous advocates of the proposed plan, gives his pledge, subject to this condition, — that he shall not be expected to redeem it, until what he considers a fair trial of the proposed system shall have been made; and there may be many opinions as to what length of time the experiment should continue, before a fair trial can be said to have been made. If a penny postage could be carried into effect without taxation, I should be very happy to see it done; but I am not willing to pledge myself to taxation, —particularly when I do not know the sort of taxation that will be imposed. If it were proposed to tax steam vessels, my Honourable Friend the Member for Greenwich would object to that; if a tax were to be laid on malt, I should object to that; and if a salt tax were proposed, the whole country would object, — for if you were to impose a duty on salt for the purpose of relieving them from the very small sums they now pay in the course of the year in postage, you would confer upon them — not a benefit — but a very serious injury. It has been asked from the other side, Why do we not divide the resolution? But why was not that question put to the Right Honourable Gentleman the Chancellor of the Exchequer? Honourable Gentlemen know, well, that the Right Honourable Gentleman would not consent to any such suggestion. He says, "If I support the reduction of the rate of postage, and thereby incur the risk of loss to the revenue under that head, I must have a distinct pledge from the House of Commons, that they will agree to impose a new tax on the country to cover whatever consequent deficiency may arise." Then, what would be the consequence in the event of a dissolution of Parliament? Every constituency would call for pledges from its representatives with respect to the tax to be imposed. The alteration now proposed would, no doubt, be advantageous to me; therefore, if it could be carried into effect without risk, I should be glad of it: but I cannot consent to support a proposition involving a pledge of future taxation, until I know the full extent of that pledge, and the nature of the tax for which I am to be called upon, at the expiration of a certain period, to vote.

SIR J. R. REID. — I am much astonished and surprised to hear that my Honourable Friend the Member for Kilkenny has charged the directors of the Bank of England with a breach of faith. My Honourable Friend must allow me to tell him, that if he knew them as well as I do, he would not have thought of making such an accusation. With regard to the course which the Bank pursued, on the occasion to which the Honourable Member has alluded, I can only say, that if similar circumstances were to arise to-morrow, they would follow the system which they then adopted, and in which I think they were fully justified. I sincerely regret that I was not in the House when the Honourable Member for Kilkenny made his observations, in order that I might

have taken him up a little sharper than I can do now.

[Laughter, and cries of "Hear!"]

Honourable Members may laugh, but I assure them this is no laughing matter. The Honourable Member for Kilkenny has been endeavouring, for some time past, to talk the Bank of England down; and his example has been followed—and I say it with regret—by several newspapers. The Bank, however, were perfectly justified in doing what they have done; and, feeling conscious that they were in the right, they will not care what may be said of them, here or elsewhere. I should not have thought it necessary to have referred to the Honourable Member's observations, but that I understand that he has been pleased to use my name, during my absence, in a manner somewhat more humorous than I could have expected from him.

Mr. HUME. — With regard to the last observation of my Honourable Friend, I can only say, that I am perfectly innocent of the joke ——

[Cries of "Hear, hear!"]

—the joke imputed to me. All that I did, was to use a common metaphor, and say, that if the Government continued to depend on the Bank of England, they would rest upon a reed. I can assure my Honourable Friend that it was not my intention to allude to his name, and therefore I cannot take credit for the wit which the House has attributed to me. With regard to the other observation of my Honourable Friend, I am quite aware that the Directors of the Bank of England are very sharp; but I should have been glad if my Honourable Friend had mentioned which of my statements he found fault with. The Honourable Member for Sunderland (Alderman Thompson) has said, that I have made unfounded charges against the Bank. What I did say was this, —that the Directors of the Bank of England issued a notice on the 30th of May, by which they led the public, and those who held Exchequer bills, to believe that money would be advanced on Exchequer bills till the 23d of July,— while, on the 20th of June, out came a notice that they would no longer lend money on those securities. With regard to what the Right Honourable Gentleman the Chancellor of the Exchequer has said, —that it is not fair to take partial discussions on a subject of so much importance, — I have simply to reply, that I have used every endeavour that I was capable of to bring on a discussion on the general question: but if the Right Honourable Gentleman throws difficulties in the way, by not assisting to make a House on one day, and retiring in order that it may be counted out on another, and so prevents me from bringing forward my motion, the fault is not mine; and I have no right to be charged with bringing forward the subject partially and incidentally, when I am thus denied the opportunity of calling the attention of the House directly to it by making a substantive motion. I say, that, when an opportunity shall be afforded me, I shall be ready to prove every statement I have made, by the documents of the Bank themselves,—that is, if they will produce them; but I believe they will not, for they are conscious that their conduct will not bear investigation, and therefore they are anxious to do all they can to prevent any inquiry taking place. Before I sit down, one word on the general question before the House. The Right Honourable the Chancellor of the Exchequer seems to think that I am not willing to give an assurance to provide for the maintenance of the public credit, in accordance with the resolution he has submitted. Upon that point I will merely observe, that I believe, since I have been in the House, there has been no man more anxious to support the public credit than myself. I have never flinched from what I considered to be my duty in that respect, even in the most unpopular times; and therefore, without pledging myself to the support of any particular tax, I will merely say, that I shall be still ready to adopt the course I have ever followed, and to advocate such measures as may be necessary for maintaining the credit of the country.

Mr. ALDERMAN THOMPSON. — I must request the Honourable Member for Kilkenny to be more careful in the statements which he makes with respect to the Bank. The notice of the 30th of May had no reference at all to Exchequer bills, and the directors have never been in the habit of making periodical advances on such securities, but only on bills of exchange.

Mr. HUME. — I will show the Honourable Director that he is, himself, wrong; for I happen to have a copy of the notice in my hand, from which it appears that the Bank offered to advance money at 5 per cent. on bills of exchange, Exchequer bills, India bonds, and other securities, — while the notice issued the 20th of June, by which the rate of discount was raised to 5½ per cent., excluded Exchequer bills, India bonds, and securities of that nature. It is not surprising that the affairs of the

Bank are so badly managed, when the Honourable Member for Sunderland, one of the directory, does not know the terms of his own notice.

The CHANCELLOR of the EXCHEQUER. — The first notice issued by the Bank comprehended Exchequer bills; but when the rate of interest was advanced, the usury laws prevented any advances on other securities than bills of exchange. So far as I am concerned, I did not know of the alteration in the advances which the Bank had decided upon, until the very day on which that decision was come to by the directors, and, indeed, not until after the alteration had taken place.

SIR J. R. REID. — I rise merely for the purpose of confirming the observation which the Right Honourable Gentleman has just made. No communication was held with the Right Honourable Gentleman as to the course the Bank proposed to adopt, nor did we consult with him upon the subject. With regard to the remark of the Honourable Member for Kilkenny, — the reason why Exchequer bills, India bonds, and securities of a like nature, were excluded by the last motion, was, simply, because the Bank could not legally make advances upon them. I will take this opportunity of thanking the Right Honourable the Chancellor of the Exchequer for bringing forward the Bill for relaxing, in certain cases, the laws relating to usury. As a commercial man, I am enabled to say that much benefit will be derived from it to the commercial world; and I trust, therefore, it will be permitted to pass into a law.

An HONOURABLE MEMBER.—I trust that the Right Honourable Gentleman the Chancellor of the Exchequer will soon be enabled to extend this scheme of a reduced rate of postage throughout all the British colonies; for if it be important in this country, where there exist so many means of conveying letters from one party to another,— surely it must be of much greater importance in our colonies, where the opportunities of communicating with distant friends are so few. I would suggest, in the mean time, that separate accounts should be kept of the revenue derived from colonial postage, in order that the result of the introduction of the new plan may be ascertained.

Mr. SCHOLEFIELD. — I rise merely to suggest a tax, which, I think, might very justly be imposed in the event of a deficiency in the revenue arising from the adoption of the proposed scheme of a universal penny postage. The tax I would propose, as the most proper to meet such a deficiency, is a property tax, by which every one would be called upon to contribute only according to his means. My Honourable Friend near me (Mr. T. Attwood) is anxious for the introduction of the one-pound notes, as a means of relieving the poorer classes. I hold a very different opinion to that of my Honourable Friend, as to the result of such a system; but I think the true way to relieve the poor is, to make each person bear his fair share of the general burden on his own shoulders.

The question was then again put, and agreed to; House resumed; resolution to be reported on Friday next.

BILLS OF EXCHANGE (No. 2.) BILL.

On the motion of the CHANCELLOR of the EXCHEQUER, the Order of the Day for the committee on this Bill, read.

Upon the question being put, "That Mr. Speaker do now leave the chair,"—

SIR R. INGLIS said: — Without pronouncing whether it be right or wrong to repeal the usury laws, I think we ought to have some reason shown why the operation of them should be thus removed in all cases above 10*l*. I object to such a measure being brought forward at so late a period of the night. This is a new Bill; and I hold that the House ought not to be called upon to sanction it without more discussion than has yet been given to it. Indeed, I take blame to myself that I did not divide against the second reading of the Bill last night. The part of the Bill to which I more especially object, and with regard to which I shall take the sense of the committee, is contained in the first clause. The words are these: — "That from and after the passing of this Act, no bill of exchange or promissory note, payable at twelve months after date, or not having more than twelve months to run, nor any contract for the loan or forbearance of money above the sum of ten pounds sterling, shall," &c. Now this, in point of fact, repeals the usury laws in every case in which the contract is above 10*l*.; and until the House shall have decided upon the general principle, I hold it to be most improper that such a measure should be adopted by a side wind. I trust, therefore, that the House will support me in the motion I now beg

leave to make,— namely, to leave out the words, "nor any contract for the loan or forbearance of money above the sum of ten pounds sterling."

Question put, "That the words proposed to be left out stand part of the question."

The CHANCELLOR of the EXCHEQUER. — The Honourable Baronet calls our attention to a subject which, I assure him, I by no means undervalue the importance of; but I am quite satisfied that I shall be enabled to show to the House that the course we have taken with regard to this Bill, is that, of all others, which is the most proper, in justice to the regularity of our proceedings, and as calculated to insure a full and fair consideration of it. In the year 1836, by a Bill I had then the honour to introduce, the usury laws were repealed as to certain bills of exchange: and at that time, from my own experience, and from communications I had had with others, I felt the necessity of carrying the repeal of those laws beyond the point at which that Act stopped, — for it was the principle of that Act, that certain bills, which were equally good security, should not be negotiable, whilst others were. It was under these circumstances that I proposed to include all bills of twelve months' date. I did not go further at that time,—for no other reason than that I conceived that Parliament would not go further with me. The Bill I speak of passed this House, and went up to the Lords, where it was amended by the introduction of the limit of two years. No doubt, that limit was introduced by their Lordships from the best of motives. But the period has now arrived when that temporary Act is about to expire; and, accordingly, I brought forward a measure for making the existing Act perpetual in its operation: it passed this House without opposition, and was sent up to the other House, where many alterations were introduced — and, no doubt, properly introduced — into it. Not only bills of exchange, but South Sea stock, Exchequer bills, and, subsequently, stock or property of other descriptions, were made subject to the operation of the Bill. These alterations were, however, made without considering the previous part of the Bill; and thus, although it allowed money to be raised on the conditions stated, and on these various descriptions of property, the contracts would still have remained subject to the usury laws, — the words necessary for giving force and validity to the contract being omitted. Well; the proposition made to me was,— whether it would be possible to amend the Bill returned from the other House, so as to carry out the objects that all parties had in view? I found that that could not be done with any advantage, and therefore I determined upon bringing in a new Bill; and thus I gave the House a full opportunity to discuss the subject in all its bearings; and I know of no fairer mode that I could have adopted. I cannot consent to the amendment which the Honourable Baronet has suggested, because, by so doing, we should restore the bill to precisely the same state of doubt and uncertainty in which it was left by the House of Lords; for if we omit those words, we shall then allow the transactions to take place without penalty, while the words necessary for making the contract legal will be omitted. Then, with regard to the limit of 10*l.*, it has been introduced in consequence of feelings in some quarters, that have been strongly stated on the subject. Again, as to the exception of pawnbrokers, it is necessary, in order that we may not interfere with the law relating to that particular trade. It is not intended to make these small loans, so obtained, subject to the operation of this Bill. My own opinion is decidedly favourable to the repeal of the usury laws: but I know, if I were to propose that, and that land and real security should be included, that I should hazard the success of my Bill; therefore I have confined the measure to its present limit. I think I have now shown ground sufficient for asking the House to assent to this measure; and if more argument were wanted, I will say, it has been furnished in an earlier part of the evening by the Honourable Baronet the Governor of the Bank of England.

Mr. DARBY. — The question upon which we are at issue appears to be,— whether there is any material difference between this Bill and the one that has come down from the Lords? As I understand it, the intention is this, — to relax the usury laws so far as to enable money to be raised on India stock, South Sea stock, Bank stock, and other securities of a similar nature. With that the commercial interest will be satisfied, and to that we do not object; but we say, that when you introduce a Bill for relieving the commercial interests, you ought to take care that you do nothing to injure the other interests: and, in my opinion, the words which my Honourable Friend has proposed to omit, would seriously injure many other of the most important interests of the country.

The House then divided: — Ayes 92; Noes 11; — Majority against the amendment 81.

AYES.

Adam, Admiral	Muskett, G. A.
Aglionby, H. A.	O'Brien, W. S.
Archbold, R.	O'Connell, John
Attwood, T. (Birm.)	O'Connell, M. J.
Bailey, J.	O'Ferrall, R. M.
Beamish, F. B.	Parker, R. T.
Bernal, R.	Pease, J.
Blair, J.	Pechell, Captain
Bolling, W.	Philips, M.
Bramston, T. W.	Pigot, D. R.
Brocklehurst, J.	Pryse, P.
Brotherton, J.	Redington, T. N.
Bruges, W. H. L.	Reid, Sir J. R.
Burroughes, H. N.	Rice, Rt. Hon. T. S.
Busfeild, W.	Roche, E. B.
Callaghan, D.	Roche, W.
Currie, R.	Russell, Lord J.
Dunbar, G.	Rutherfurd, Rt. Hn. A.
Eliot, Lord	Salwey, Colonel
Elliot, Hon. J. E.	Scholefield, J.
Ellis, W.	Seymour, Lord
Evans, W.	Shell, R. L.
Ferguson, Sir R. A.	Sheppard, T.
Finch, F.	Smith, R. V.
Gordon, R.	Stanley, Hon. E. J.
Gore, O. J. R.	Steuart, R.
Gore, O. W.	Stewart, James
Grey, Rt. Hon. Sir C.	Stuart, W. V.
Hastie, A.	Stock, Dr.
Heathcoat, J.	Strutt, E.
Hector, C. J.	Style, Sir C.
Hinde, J. H.	Talfourd, Mr. Serjeant
Hobhouse, T. B.	Thomson, Right Hon. C. P.
Hodgson, R.	Thompson, Alderman
Hope, H. T.	Thornely, T.
Hope, G. W.	Vigors, N. A.
Hughes, W. B.	Vivian, J. H.
Hume, J.	Wallace, R.
Hurt, F.	Warburton, H.
Hutt, W.	Ward, H. G.
Jervis, J.	Wood, Sir M.
Lascelles, Hon. W. S.	Wood, G. W.
Lushington, C.	Yates, J. A.
Macleod, R.	Young, J.
M'Taggart, J.	
Martin, J.	*Tellers.*
Miles, P. W. S.	Baring, F. T.
Morpeth, Lord Visct.	Parker, J.
Morris, D.	

NOES.

Bradshaw, J.	Rushbrooke, Colonel
Broadley, H.	Sibthorp, Colonel
Burrell, Sir C.	Thomas, Colonel H.
Cole, Lord Viscount	
Douglas, Sir C. E.	*Tellers.*
Henniker, Lord	Inglis, Sir R. H.
Knightley, Sir C.	Darby, G.
Lincoln, Earl of	

Bill to be read a third time this day.

INLAND WAREHOUSING BILL.

Mr. POULETT THOMSON.—I move that this Bill be now read a second time.

Upon the question being put,—

SIR MATTHEW WOOD said: — Surely the Right Honourable Gentleman does not seriously intend to press the second reading of a Bill involving such important considerations, at this hour of the morning. I will not, now, state the objections to the Bill, as I hope another opportunity will be given for discussing them. But the Right Honourable Gentleman must know that he cannot expect the support of those who would be more immediately affected by the passing of the measure.

Mr. POULETT THOMSON. — It certainly is my intention to press the second reading of the Bill, now; and I do so in consequence of an arrangement that has been entered into with many of those very persons whose support the Honourable Baronet says I cannot expect. Those parties have done more than the Honourable Baronet appears to have done, — they have made themselves acquainted with the provisions of the Bill; and I have arranged with them to take the second reading to-night, and to discuss the measure on the motion for going into committee.

The question was then agreed to; Bill read a second time, and committed for Thursday next.

COPYRIGHT BILL.

Mr. SERJEANT TALFOURD. — I move that the Order of the Day for the Committee on the Copyright Bill be read, in order to its being postponed till Monday next.

Upon the question being put,—

Mr. W. S. O'BRIEN said: — Will the Honourable and Learned Gentleman allow me to suggest to him, that, as there are several Honourable Members opposed to the measure, and the Government business is likely to occupy all the remaining portion of the Session, it would be a matter of convenience if the Honourable and Learned Gentleman would, at once, announce his intention of postponing his Bill for the present Session?

LORD VISCOUNT MAHON. — I hope the Honourable and Learned Gentleman will not give any reply on that point, until he shall have ascertained from the Government what facilities there may be for carrying the Bill? As one Cabinet Minister has spoken in favour of it, I

think the Government might possibly afford the Honourable and Learned Gentleman an opportunity for going on with it this Session.

Mr. SERJEANT TALFOURD. — I do not think that it is quite fair to call upon me to give up my Bill, after all the labour that has been spent upon it, and the sacrifices made to complete it; but if I find there is no chance of carrying it this Session, I will not give my opponents any unnecessary trouble, but defer it for the present. At the same time I declare that no opposition, here or elsewhere, will deter me, and those friends who have honoured me with their assistance, from continuing our exertions in what we are convinced is a just cause, until our efforts shall be crowned with success.

Mr. WARBURTON. — After what has fallen from the Honourable and Learned Gentleman, I beg leave to say that I am convinced of the injustice of the measure; and that nothing shall deter me from opposing, in every stage, and on every occasion, any Bill founded on similar principles. As the Noble Lord the Member for Stroud has spoken against the Bill, I also may boast of having a Cabinet Minister on my side of the question.

The motion was then agreed to.

PLEADINGS IN COURTS (INDIA) BILL.

Considered in committee; to be reported on Monday next.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

Second reading deferred till Tuesday next.

REGISTRATION COURT OF APPEAL BILL. — SUPPLY — WAYS AND MEANS. — INDEMNITY BILL. — PUBLIC WORKS (IRELAND) BILL. — SHANNON NAVIGATION BILL.

Committees severally deferred till Monday next.

SALE OF BEER BILL.

Committee deferred till to-morrow.

BANKRUPT LIABILITY BILL.

Read a third time, and passed.

TAX COMPOSITION ACT.

The CHANCELLOR of the EXCHEQUER. — I beg to give notice, that, to-morrow, I intend to move for leave to bring in a Bill to renew the Composition of Taxes Act, which would expire in 1840, for one year; and also for a Bill to continue the drawbacks on soap in the course of manufacture.

RETURNS.

Printed Papers. — On the motion of LORD VISCOUNT MAHON, Returns ordered —

Of the expenses incurred in the papers printed by order of the House of Commons, for each year since 1830:

Of the sums paid into the Treasury or accounted for by Messrs. Hansard, for each year, resulting from the sale of printed papers, in pursuance of the resolutions passed on the 19th day of August, 1835.

Lighthouses (Ireland). — Account (presented 4th of July) to be printed.

Adjourned at one o'clock.

HOUSE OF COMMONS, SABBATI, 6° DIE JULII, 1839.

The House met at twelve o'clock.

Carlow Election. — Leave given to the committee to sit this day till five of the clock, during the sitting of the House.

PRIVATE BUSINESS.

Belfast Water (No. 1.) Bill. — Petition of inhabitants of Belfast, against. Referred to the committee on the Bill; counsel ordered.

Rochdale Small Debts Bill. — Petition from Rochdale and other places, in favour. — To lie on the table.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Jamaica Laws Bill, with amendments.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Education, — From Ashton, against the proposed scheme.

Bonding Warehouses, — By Mr. C. BULLER, — from Ashton under Lyne, for the establishment of inland bonding warehouses.

Waterloo, &c. Bridges, — By SIR M. WOOD, — of the chairman and honorary secretary of the Metropolitan Anti Bridge Toll Association, for the adoption of a measure by which the interests of the proprietors of Waterloo, Southwark, and Vauxhall Bridges may be purchased, in order to their being immediately thrown open, for the use of the public, free of tolls.

Lord's Day, — Of the moderator of the Synod of Lothian and Tweeddale, for better observance.

PAPERS.

Rudhen's Apparatus — On the motion of SIR CHARLES VERE, copies ordered —

Of the Report of the Commissioners of Excise to the Chancellor of the Exchequer, or to the Lords of the Treasury, on the experiment of Mr. Rudhen's apparatus at the Government Distillery in Brown's Lane, during its progress, from its commencement to the present time:

Of the Reports respecting the same from Dr. Birkbeck to the Chancellor of the Exchequer, or to the Commissioners of Excise, during the same period; and the observations or remarks of the Commissioners of Excise on the Reports made to them by Dr. Birkbeck.

FACTORIES BILL.

On the motion of Mr. FOX MAULE, the House went into committee on this Bill.

LORD ASHLEY. — I beg to state, that at ten o'clock this morning, only two hours before the meeting of the House, I received four large pages of amendments intended to be proposed by the Honourable Gentleman opposite. I have not had time to read them, — much less to consult any one upon them; for it has been my invariable rule to submit every clause of the Bill to a legal adviser. The Honourable Gentleman should recollect that the Government have had charge of this Bill five months, — and must have known, or ought to have known, whether or not it was to be proposed for the further consideration of the House. On this side of the House, we have been under the impression that the Bill would not be further considered this Session. As the Government seem to be at a loss to know, one day, what they will do the next, it is impossible for the House to anticipate any particular business. These amendments, I dare say, will affect, very much, the whole principle of the Bill: I do not know positively that they will; but, at all events, the Honourable Gentleman should so have arranged the business as to give the House time to look into them. The Honourable Gentleman will do me the justice to say that I have given notice of every amendment which I thought it necessary from time to time to propose; and if I had any others

to suggest, affecting the principle of the Bill, I should feel it my duty, first, to give notice of them.

Mr. FOX MAULE. — The amendments alluded to by the Noble Lord have been suggested to me by certain parties who take an interest in the Bill. I do not think they will greatly affect the principle of the Bill; and I can only say, that if there has not been sufficient time for their consideration, it is not my fault — but it so happens, because they were not submitted to me at an earlier period. If, however, the House should repudiate these amendments, I will go on with the Bill as it stands.

The committee then commenced with the consideration of Clause 18., providing that factory owners and others may agree to establish schools.

SIR J. GRAHAM. — I apprehend that this clause will interfere with the right of persons to combine for the purposes of education, inasmuch as it will give an arbitrary power to the inspector with regard to his approval of the system agreed upon: for instance, — the inspector may be a Dissenter, and the factory owners Churchmen; and he would, in such case, naturally object to a system founded on their principles: I therefore feel disposed to strike out that portion of the clause which gives this arbitrary power to the inspectors.

LORD J. RUSSELL. — It has been thought desirable, in order to insure the better operation of the Factory Act, that schools should be established by the manufacturers themselves, to which the children may resort; and the object of the agreement proposed in the clause is, — to insure such combinations of persons as will render the pecuniary support of the schools certain, — care being taken to have proper persons appointed as inspectors, for whose approval the agreement would be submitted. If that be objected to, however, I will not insist upon it.

Words requiring the approval of the inspector to such agreements accordingly struck out.

Mr. LANGDALE. — I beg to move the proviso, of which I have given notice, — namely, "Provided always, that no such rules as aforesaid, nor such approval of such inspector as aforesaid, shall authorise the education of any child in such school in any religious creed other than that professed by the parents or surviving parent of such child; or, in case of orphans, to which the guardian or guardians, godfather or godmothers, of such orphan shall object." In consequence of the alteration just made in the clause, the words "nor such approval of such inspector as aforesaid" may be omitted. Otherwise, I do not see how this amendment can be objected to.

Mr. COLQUHOUN. — I certainly object to it, because it would have a most stringent effect. The effect of it would be, to deprive the children of Roman Catholics of all education in places where the schools may be established on the principles of the established church, or in connection with the National School Society, or Foreign and British School Society. The Honourable Gentleman's object is, no doubt, a benevolent one; but by this amendment he must see that he will be excluding Roman Catholic children, in many instances, from the practical benefit of most useful and excellent schools.

Mr. LANGDALE. — I will alter the proviso thus: "in any religious creed to which the parents, &c. shall object." That will get rid of the difficulty pointed out by the Honourable Gentleman, who states that the amendment will have the effect of depriving children of the benefit of those schools; because, by this alteration, it is perfectly clear, that if the parents of the children are willing that they shall derive the benefit of those schools, there will be no obstacle to their doing so. If the clause, as it stands, be suffered to remain, it will be an outrage on all the principles of toleration recognised by the British constitution. How would any Honourable Gentleman in this House, let me ask, — he being a Protestant, — like to have his children compelled to receive instruction in the principles of the Church of Rome? I feel it an imperative duty upon me to oppose the clause, and to take the sense of the committee on it: if it be carried, then I will divide the House on the bringing up of the Report, and in every future stage of the Bill.

Mr. SLANEY. — I do not believe that Honourable Gentlemen, on either side of the House, wish to force the consciences of those who differ from them; and therefore do I think it possible to adjust this matter without going to a division. No child can be employed in a factory without producing a certificate of attendance at school from the inspector, who, according to the clause in its amended form, is not to meddle with the terms of the agreement upon which the schools are

founded. But suppose the agreement to be for a school on the national system, and that there be no other school in the district; what is to become of the child of the conscientious Dissenter, or of the Roman Catholic? The Noble Lord the Member for North Lancashire knows, that all the great towns of the county he represents swarm with poor Roman Catholics; and, as he is a friend to toleration, I ask him what is to become of those children, if they be not able to attend schools of other principles? If the agreement is to be exclusive, it will be a great grievance to Roman Catholic children to deprive them of their certificate, because they will not attend an exclusive school. Seeing the importance of this clause, I think it is worth while postponing its further consideration, with a view of coming, if possible, to some principle which may be more justly, and more generally, applicable. In all those large manufacturing towns, such as Leeds, Manchester, Birmingham, Bristol, &c., the number of the children of Dissenters and Roman Catholics, as appears from the Returns of those who attend Sunday schools,—which is a very fair test,—is as two to one, compared with the children belonging to the Church of England. So that, where these schools would be national schools, strictly speaking, two out of three of the humbler classes could not attend them.

SIR JAMES GRAHAM.—I partly concur in what has fallen from the Honourable Member for Knaresborough (Mr. Langdale). I think it would be a great hardship to make it compulsory on children to attend schools conducted on the principles—as regards religious instruction—of the National Society, or the British and Foreign Society,—to which Roman Catholics object. But I think, at the same time, that the proposal of my Honourable Friend goes further than his argument; because the words of his proviso would render it imperative upon schoolmasters, whatever might be the wish of the children or their parents, not to instruct them at all. I would therefore suggest that the proviso should run thus:—"Provided that no such rules shall authorise the education of any child in such school in any religious creed, contrary to the declared wish of the parents; and, in the case of orphans, contrary to the wish of the guardians," &c.

Mr. LANGDALE.—I have already consented to that alteration, only in different words; that is to say,—"in any religious creed to which the parent shall object," &c., being the words which the Legislature has already sanctioned with respect to the Poor Law. However, if the committee prefer the terms suggested by the Right Honourable Gentleman opposite, I have no objection to adopt them.

The proviso, in the form suggested (by Sir James Graham), was then added to the clause, and the clause, as amended, agreed to.

LORD STANLEY.—Sir, I must object to giving the powers which this clause confers on the inspectors. They will have, if this clause be adopted, the power of making, each, such rules as he may think fit, and of enforcing those rules by penalty. No uniformity, by such a plan, could be secured; and I think the creation of such extensive power is impolitic, while it is also unnecessary. The registers ought to be framed on one uniform plan, and not be left subject to the conflicting regulations of the different inspectors. It is impossible but that, after three years' experience, the inspectors must have sufficient knowledge to enable them to define the matters which they would require to be registered. I shall, therefore, propose, that after the words "occupier of every factory," the words "according to a form in the schedule to this Act annexed" be inserted. I think Parliament ought to define the form of the registers, and add a schedule to the Bill, by which a uniform system would be secured; and if my amendment be agreed to, I shall afterwards propose that such a schedule be added.

Mr. M. PHILIPS.—In my opinion, this clause is extremely arbitrary, as it gives a power to send for papers and documents; and if the House sanction such a measure, now, it will not be long before a power will be granted to send for persons also.

Mr. BAINES.—The reason why the inspectors were given this unlimited power in the original Bill was, that they did not know what powers might be necessary; at this day, they have sufficient experience, and I think that their powers might very well be defined in a schedule annexed to the Act.

Mr. F. MAULE.—Sir, with regard to the suggestions of the Noble Lord, I should be willing to adopt them, if I thought them expedient; but I think that no good would arise from preventing the

inspectors framing such rules as they may deem to be necessary,— as these rules will have to be sanctioned by an officer who will be responsible to Parliament. To secure uniformity, it is provided that the inspectors shall meet twice a-year to agree on such rules as, in their opinion, ought to be generally adopted. I propose, then, that the rules so formed, shall be submitted to the Secretary of State,—a regulation which I think must be considered as a great improvement on the present law. I shall, therefore, deem it my duty to adhere to the principle laid down in the Bill; and I am afraid, that if the House decide against me, we shall have to make an entirely new Bill, to include all the matters that will require specification.

LORD STANLEY.—I do not blame the Honourable Gentleman for adhering to his general principle; but he has carefully abstained from remarking on this particular clause. I should wish to ask, if the Honourable Gentleman has consulted the inspectors, whether it was, in their opinion, impossible to frame a schedule which would secure perfect uniformity? It is my intention to press my amendment to a division.

LORD J. RUSSELL.—As the Noble Lord has raised the question, I wish to say a few words upon it. I am, with him, of opinion that such a schedule as he proposes might be prepared by Parliament and annexed to the Bill,— the more especially, as all the rules have been revised by the Secretary of State; and I am not, therefore, disposed to object to the amendment. I think, also, that some general rules might be made by the House; but I am afraid, that if the Bill defined everything which the inspectors would have the power of doing, we should be obliged, year after year, to come to Parliament, and ask for new Bills granting additional powers,— as it is impossible, at once, to legislate upon all the points which may afterwards arise.

Mr. HINDLEY.—I wish to know whether the inspectors are to have the power of calling for these registers at pleasure?

Amendment agreed to.

Mr. W. PATTEN.— Sir, there is another alteration I should wish to make, here. I object to the power given by this clause, by which the inspectors are enabled to require the occupiers of mills, or the owners, to furnish such information as those inspectors may consider necessary, and as often as they may deem necessary. I think it would be perfectly sufficient to give the inspectors the power of making extracts from the registers. I should therefore propose, that, in line 30., after the word "power," the words "to make extracts from the registers at any time they may think proper" be added. It is unjust that the owners or occupiers of mills should be required to furnish information to the inspectors at their own expense, when that information is required for public purposes. It is a power very liable to abuse; and I shall therefore take the sense of the House on the limitation which my amendment would secure.

Mr. F. MAULE.—I cannot agree to this amendment, because I think it indispensable that the inspectors should have a discretionary power to call for information. Besides, as the Secretary of State has power to call for information on all subjects from the inspectors, the inspectors must be enabled to give it to him. If the millowners should find anything vexatious in the exercise of it, they will know where to apply for redress.

Mr. M. PHILIPS. — I think the House should make some arrangement for providing this information for the inspectors. It would be unfair to require it from the manufacturers, as they would be obliged to keep a clerk for the express purpose of supplying it.

Mr. PEASE.—I must say, in favour of this regulation, that I have not heard of a single instance of a vexatious exercise of the power by an inspector.

Mr. AGLIONBY.—If you exclude the power of sending generally for information, you should be as explicit as possible in defining the rules and regulations by which the register is to be guided.

Mr. G. WOOD.—Sir, in my opinion, the power which the clause confers on the inspectors might not be arbitrarily used; but yet I think it unwise for Parliament to give powers which are liable to be abused, —and that, too, without any limitation.

SIR J. GRAHAM.—I think that the millowners ought not to be put to the expense of furnishing information which is required for public purposes. I must, also, object to the extraordinary powers given to the inspectors;—those, for in-

stance, of entering the mills at all hours, by night or by day.

Mr. BROTHERTON. — The reason you are obliged to give these powers to the inspectors is, because your Bill is too complex. If you make a simpler Bill, these powers will be unnecessary.

Mr. BRISCOE. — Sir, there has been no complaint made against the inspectors hitherto, and I think there is no reason to fear that their powers will be abused. I consider that the testimony of the Honourable Member for Durham is conclusive on that subject.

Mr. JOHN FIELDEN.—I look upon the powers granted by this clause as most unconstitutional. I object to the Bill altogether, and would much rather keep the present Bill.

Mr. BOLLING. — I am decidedly opposed to giving this power to the inspectors, because I think they would not only be vexatious to the manufacturers, but extremely irksome to the inspectors themselves. As long as they have power to visit the factories, I think they have all that is required to make them efficient.

Mr. F. MAULE. — I am not surprised that this amendment should be forced on by the millowners; but I cannot imagine how those, who profess to be the children's friends, can support it. This clause was framed for the protection of the children in factories, and therefore I cannot consent to the amendment which has been proposed. The expense of furnishing information is, at present, paid by the millowners,—so that there is no new hardship imposed by the present Bill.

LORD STANLEY. — Sir, I beg to say, here, that I am no advocate for the millowners. I do not think there should be any distinction between the millowners and the children. It is impossible to conceive that any information could be required, which could not be obtained as well without this clause as with it. I think the inspectors ought to examine with their own eyes, and that they ought not to reside in London.

Mr. F. MAULE. — There are but four inspectors.

LORD STANLEY. — Oh! then, the object of this clause is to save the inspectors trouble. I must confess that, if you have but four inspectors, and if they are to reside in London, it may be very convenient for them to have the power of writing down to the factories for information. But this is not carrying the law into effect,— it is not giving efficient protection to the children. I think, also, it is very hard that the expense of keeping the register should fall on the public — not on the millowners.

LORD ASHLEY. — Sir, I suppose that the allusion of the Honourable Gentleman opposite was intended for me. I can assure him that my reason for keeping silent during this discussion, has been, that I have had occasion to address the House so often, that I did not wish to intrude upon it oftener than I might consider it absolutely necessary for me to do so. However, I can assure him I shall vote for this clause. At the same time, I feel the force of the objections against this complicated system, which affords so many facilities for evasion; but I do not think that the inspectors can do without the powers,—nor that, if granted, they will use them vexatiously. All the parties with whom I have communicated, dread collusion between the inspectors and manufacturers, much more than tyranny or vexatious proceedings on the part of the latter.

Mr. SLANEY. — I think the difference between Gentlemen on this side of the House, who require registers, and those on the other, who wish for extracts, is so small, that it might be easily accommodated.

Mr. P. THOMSON. — It would be very inconvenient, when the House called for any Returns on this subject, if the inspectors had to go round to collect the information necessary to comply with the order of the House. If they were required to do so, the Returns could not be made within anything like a reasonable time.

SIR J. GRAHAM. — It is evident, from the last line, that the clause does not allude to the information which Parliament might require, but to the information which the inspectors might require.

Mr. F. MAULE. — I should much regret any alteration of the clause; and if it should be the pleasure of the committee to alter it, I beg it will be remembered that I was no party to such alteration.

The CHAIRMAN. — Does the Honourable Member withdraw his amendment?

Mr. W. PATTEN. — I am willing to adandon my amendment, if the Government will undertake to provide that all information of this sort which may be required shall be paid for out of the public purse, and not be thrown upon the mill-owners.

SIR J. GRAHAM. — I think it is but proper that the information which Parliament might call for should be furnished at the expense of the public.

Mr. E. J. STANLEY. — If such were the practice, the Government would necessarily be cautious in consenting to grant Returns which might be moved for.

Mr. P. THOMSON. — I am ready to agree to a modification of the clause, by which the inspectors shall be empowered only to call for copies of extracts from the registers.

Mr. W. PATTEN. — That modification would not meet my objection; for the inspectors would still be enabled to call for most voluminous information, at great expense to the manufacturers.

The gallery was then cleared, but no division took place. Amendment, by leave, withdrawn.

On the motion of Mr. F. MAULE, the following proviso was added to the clause: — "That no information, so sent by the occupier of any factory, shall be admissible, in evidence, against him, in any proceeding for the recovery of any penalty."

Clause 20. "Factories to be white-washed once in every year."

Agreed to, with a verbal amendment.

On the motion of Mr. AGLIONBY, Clause 21. was postponed.

Clause 22. "Four inspectors appointed."

On this clause being put, —

Mr. W. PATTEN said, — This clause, and the next, which refers to the appointment of sub-inspectors, are the most important in the whole Bill. I have already stated that it was my wish to get rid of the sub-inspectors altogether, and to have, instead of them, officers appointed of the same class and rank as the present inspectors; but I feared I should not be able to carry any proposition having that object through the committee. I was, therefore, compelled to find out some other precaution, to prevent any injustice being done under the increased powers conferred by the subsequent clauses of the Bill; and I think it would make the present inspectors more efficient than they now are, by obliging them to reside within their respective districts, and thus compelling them to have a more immediate superintendence over the sub-inspectors, who are to carry the powers of the Bill into effect. I shall therefore move, after the words providing that the present inspectors should "hold their offices during her Majesty's pleasure," to insert the words, "and so long as they shall reside within their respective districts."

Mr. P. THOMSON. — I think it is but proper that the individuals filling the office of inspectors should be of that character and condition which would secure to them the confidence both of the mill-owners and the public. I have not heard any complaints against any of those gentlemen, or those who now fill the offices of sub-inspectors, and I believe they all perform their duties extremely well; at the same time, I must admit, that now it is proposed to give to them additional powers, there is, on the part of the millowners, considerable, and, perhaps, natural, mistrust. To make, however, all the officers under the Bill of the same class of persons as the present inspectors, would throw a charge upon the country to which I do not think Parliament would be prepared to agree; for it should not be forgotten that the four inspectors, now, receive each 1000*l.* per annum, while the sub-inspectors are paid at the rate of about 300*l.* each. I think the committee may rest satisfied when the Government declare that the course they wish to follow is — to raise the salaries and characters of the sub-inspectors, to make three of the inspectors resident in their respective districts, and to centralise the general inspection in London. This will be a work of time; and it is not possible to make, in the present Bill, alterations to that effect.

Mr. W. PATTEN. — I cannot see any reason why the suggestion of the Right Honourable Gentleman could not be carried into effect in the present Bill. I am convinced that such an arrangement would create confidence, both among the manufacturers and the friends of the factory children. I have heard great complaints made against the sub-inspectors, both by the masters and by those interested in the

children; and I am surprised that those complaints have not reached her Majesty's Government.

SIR J. GRAHAM. — I concur with my Honourable Friend the Member for North Lancashire, in thinking that the committee ought now to come to a final conclusion on this matter. The view which has been opened by the Right Honourable Gentleman opposite, is one that is fit to be now taken into consideration. With regard to the next clause, I object to the words "any number of sub-inspectors:" I think the number ought to be fixed by the Legislature. I am sure such an arrangement as that suggested by the Right Honourable Gentleman might be carried out in the present Bill. It would be easy to give a controlling power to an inspector general, resident in London, to fix the districts of the three local inspectors, — to define the number of sub-inspectors, with their salaries, — in short, to make, with the concurrence of Parliament, all these arrangements, which would be more satisfactory to the millowners than the present proposition, which they now think is both unsatisfactory and vexatious.

Mr. F. MAULE. — My Right Honourable Friend has certainly laid down a satisfactory arrangement; but it will require several steps to be taken before that arrangement can be carried into effect. To do so, the House must be prepared to increase the expense, — to sacrifice to a considerable extent existing interests; the present inspectors must be reduced to the level of those in the districts, or those in the districts must be brought up to their level; and, in order to get more respectable persons, the present sub-inspectors must be discharged at once. Would that be just? or could it be done without giving to those who would thus be dismissed some remuneration for the loss of the offices they at present hold? Unless great injustice be inflicted, the alteration can only be made gradually, and after some lapse of time.

Mr. BAINES. — I think the suggestion of my Right Honourable Friend a very satisfactory one. By such a plan you will have an inspector general in London, and you will be able to concentrate, here, all the information that is now dispersed about the country, and you will enjoy all the advantages of centralisation, without any addition of expense. I do not think the increase would be more than 3000*l.* a-year.

Mr. M. PHILIPS. — I am of opinion that there would be no difficulty in framing the clauses of the present Bill in such a way as to meet the views of the House in favour of the suggestion of my Right Honourable Colleague. With that view it would be better to withdraw the clause now under consideration, and that the chairman should now report progress, and ask leave to sit again, in order to enable the Government to consider the suggestion.

Mr. F. MAULE. — I cannot consent to withdraw the clauses. All I can do is, to renew the promise made by my Right Honourable Friend, that, in time, such an arrangement as has been suggested shall be effected.

SIR J. GRAHAM. — If Parliament is to wait until the present officers die off, I fear that legislation on this subject will be postponed far beyond the favourite period of 1842. What are the vested interests of these sub-inspectors? Why should there be a special case made in their favour, when the House has seen in what manner the vested interests of the Chief Justice of Malta, of the Attorney General of Malta, and of Mr. Cumberland, have been treated by her Majesty's Government? I hope the Government will postpone these clauses, in order to give consideration to the whole case of the inspectors? The President of the Board of Trade has admitted that the existing sub-inspectors are not exactly the persons that should be employed.

Mr. P. THOMSON. — I must say I have been uncandidly dealt with. The cases alluded to by the Right Honourable Gentleman are not analogous to that of the sub-inspectors, because there has been no complaint against these latter, either of their having done nothing at all, or of their having done wrong. It would be most unjust to turn them off without compensation.

SIR J. GRAHAM. — I move that the clause be postponed.

LORD STANLEY. — I should like to know whether we are to adapt all the details of the measure to a confessedly vicious system, and give powers to inspectors which they ought not to have? or are we to deprive future inspectors of powers which they ought to possess? The new system to be introduced must be introduced by Act of Parliament, and not by the power of the Government. But

when is that to take place? Are we to give a pledge, as the House was asked to give one, last night, to do something at some future period, unknown and undefined? I do not think the alterations which have been recommended would cause an increase of more than 3000*l.* in the expense. In fact, I am of opinion that the Honourable Gentleman the Under Secretary of State, who has had a great deal of trouble with the Bill, is getting heartily sick of it, and that he does not care how soon he gets rid of it. I think it would be better to postpone the clauses.

Mr. HARVEY.—I think that Honourable Gentlemen on the Opposition side of the House give too much credit to the Government for a disposition to economise. I believe that, if the Noble Lord would only press his suggestions a little further, her Majesty's Ministers would adopt them. In fact, they are only angling for the opinions of the Opposition, and endeavouring to fish out materials of which they can compose such a measure as they may carry without risk of defeat. But, notwithstanding the imagined economy of the Government,—if the great leader of the Opposition in the cause of economy were present (the Honourable and Gallant Member for Lincoln), I can imagine the burning eloquence which would be drawn forth by the enormous proposition for having a general inspector in London, four resident inspectors at 1000*l.* a-year, each, and sixteen others. I can conceive the indignation with which that Honourable and Gallant Member would exclaim, "Another commission! Another system of centralisation! Another great office for some cousin in reversion! Such an army of dependents could only have been recruited and got together by a Government like the present." It is gratifying, however, to see that, whatever may be the defects of this Bill, after a due course of prudery, the Government will adopt the suggestions of the Noble Lord and his friends; therefore he need not be uneasy on that score. There can be no doubt about it—not the slightest doubt;—they are only waiting to see if the Opposition are all desirous of having a chief inspector at 1200*l.* a-year, and they will agree to it; so they will, to let the three others remain, and also appoint sixteen others at 500*l.* a-year each; for they have plenty of dependents ready to fill up every gap. Now, what is it the committee are differing about? They are all agreed that the present system is a vicious one; and the only thing there is any contention about is—for the first time, I venture to say—the simple sum of 3000*l.* The Right Honourable Gentleman the President of the Board of Trade seems to think that it would be unjust to have a scale of salaries. Well; to relieve the Right Honourable Gentleman's tender conscience, I will give him a precedent—the Masters in Chancery. The new Masters in Chancery receive but 2000*l.* a-year, and the old ones get 3000*l.*; and they are all doing the duty pretty much in the same way, I believe. So it would be in this case; the four inspectors would remain at their 1000*l.* a-year, and they would have no reason to complain. But then the Right Honourable Gentleman would say that the new inspectors would complain of being appointed at lower salaries. Not at all; for they are not bound to accept their appointments, unless they choose. But would there be any difficulty about getting inspectors at the lower rate of salary? That was not felt to be the case in regard to the Masters in Chancery. The House is accustomed to see, not merely your seven-year barristers, but old men in the law, walking up to the table—at least, it is called walking up—at 2000*l.* a-year. But then it seems that there is so much polish and pride among the manufacturers, that they do not like to see sub-inspectors, who have only 300*l.* a-year, coming into their houses and factories. Therefore they wish them to have 500*l.* a-year, that they may be able to put on a better coat; for there is, at present, a sort of shabby gentility in their appearance, which strangely contrasts with the easy manners and courtly address of those gentlemen. But, really, if these persons are unfit for their situations,—which the Right Honourable Gentleman seems to admit,—it is only a waste of the time of the House to be discussing this point; indeed, one manufacturer, I understand, said that he would rather pay them himself, than have any more discussion upon so trifling a matter. If the Government are once convinced that they are really opposed, they will fall in easily with the views of the Opposition: therefore Honourable Gentlemen opposite have only to rise up, one after another, and express their opinions; and I am sure that, when the committee proceeds to a division, those Honourable Gentlemen will not find more cordial supporters of their views than her Majesty's Ministers, themselves.

SIR J. GRAHAM.—I wish to rescue my side of the House, in the absence of the Honourable and Gallant Member for Lincoln,—our leader in the cause of eco-

nomy, as he is designated by the Honourable Member for Southwark, — from the charge of wishing for another extravagant commission. Now, it happens that the proposition did not emanate from this side of the House, but from the Government. It was the Right Honourable the President of the Board of Trade who started the project. The only dispute appears to be, now, when the new plan of inspection is to be brought forward? If the proposal of the Right Honourable the President of the Board of Trade were adopted, I should propose the addition of a clause which, I think, would meet the views of the Honourable Member for Southwark, — namely, that these inspectors should not be eligible to sit in Parliament.

LORD ASHLEY. — I do not mean to charge the present inspectors with any neglect of duty. I have heard nothing to induce me to do so. I shall not object to the postponement of these clauses; but I think the first question which the committee should decide is, whether sub-inspectors should be appointed? as nearly all the remaining clauses of the Bill relate to their duties and powers.

The committee then divided on the question, "That the clause be postponed:" — Ayes 50; Noes 48; — Majority 2.

AYES.

Ainsworth, P.	Langdale, Hon. C.
Baines, E.	Lascelles, Hon. W. S.
Barrington, Lord Vt.	Lister, E. C.
Beamish, F. B.	Lockhart, A. M.
Bolling, W.	Lowther, J. H.
Broadley, H.	Marsland, H.
Brocklehurst, J.	Parker, R. T.
Brotherton, J.	Philips, M.
Bruges, W. H. L.	Polhill, F.
Busfeild, W.	Price, R.
Colquhoun, J. C.	Round, J.
Egerton, W. T.	Rushbrooke, Colonel
Elliot, Hon. J. E.	Scarlett, Hon. J. Y.
Estcourt, T. (Dev.)	Shaw, Right Hon. F.
Fielden, J.	Sheppard, T.
Fenton, J.	Slaney, R. A.
Fremantle, Sir T.	Stanley, Lord
Gladstone, W. E.	Stansfield, W. R. C.
Graham, Rt. Hn. Sir J.	Turner, W.
Grimsditch, T.	Vere, Sir C. B.
Harvey, D. W.	Wilbraham, Hon. B.
Hinde, J. H.	Wood, G. W.
Hindley, C.	Worsley, Lord
Hodgson, R.	
Hope, Hon. C.	*Tellers.*
Hope, G. W.	Patten, J. W.
Jackson, Mr. Serjeant	Teignmouth, Lord

NOES.

Adam, Admiral	Ashley, Lord
Aglionby, H. A.	Bagge, W.
Barnard, E. G.	Pease, J.
Bewes, T.	Pechell, Captain
Blake, M. J.	Pigot, D. R.
Blunt, Sir C.	Rice, E. R.
Bowes, J.	Rutherfurd, Rt. Hn. A.
Bridgeman, H.	Sanford, E. A.
Briscoe, J. I.	Smith, B.
Brodie, W. B.	Smith, R. V.
Butler, Hon. Colonel	Stuart, Lord J.
Cavendish, Hon. G. H.	Strutt, E.
Chalmers, P.	Thomson, Rt. Hn. C. P.
Curry, Mr. Serjeant	Thornely, T.
Evans, W.	Troubridge, Sir E. T.
Gaskell, J. M.	Walker, R.
Gordon, R.	Warburton, H.
Hayter, W. G.	Wilbraham, G.
Heathcoat, J.	Williams, W.
Hill, Lord A. M. C.	Williams, W. A.
Hodges, T. L.	Wood, Sir M.
Kemble, H.	Wrightson, W. B.
Macaulay, T. B.	
Maule, Hon. Fox	*Tellers.*
Moreton, Hon. A. H.	Parker, J.
O'Connell, Morgan	Seymour, Lord.

House resumed; Chairman reported progress; committee to sit again on Thursday next.

GLASS DUTIES BILL. — BILLS OF EXCHANGE (No. 2.) BILL.

Read a third time, and passed.

SALE OF BEER BILL.

Committee deferred till Monday next.

HIGHWAYS BILL.

Committee deferred till Thursday next.

BELFAST WATER (No. 1.) BILL.

Petition of inhabitants of Belfast, against. — Referred to the committee on the Bill; counsel ordered.

ASSESSED TAXES COMPOSITION.

Acts (52 Geo. III. c. 93., 4 & 5 Will. IV. c. 54.) read; Bill "to continue Compositions for Assessed Taxes, and to alter the Period for the Expiration of Game Certificates," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING. Bill subsequently presented, and read a first time; to be read a second time on Monday next, and to be printed.

SOAP DUTIES DRAWBACK.

Acts (3 & 4 Will. IV. c. 16., 5 & 6 Will. IV. c. 15.) read; Bill "to continue certain of the Allowances of the Duty of Excise on Soap used in Manufactures," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING. Bill subsequently presented, and read a first time; to be read a second time on Monday next, and to be printed.

Adjourned at four o'clock.

HOUSE OF LORDS, LUNÆ, 8° DIE JULII, 1839.

APPEALS.

Duncan *v.* Findlater. — Further and fully heard, and consideration adjourned *sine die.*

Abernethie *v.* Forbes (or Gordon). — To be further heard to-morrow.

Vigers *v.* Pike; Parr *v.* The Attorney General. — Set down for hearing.

Dixons *v.* Dixons. — The respondents ordered to answer peremptorily in a week.

Monypenny *v.* Campbell. — Petition of Henry David, Earl of Buchan, to be made a party respondent, and for an early day for hearing. — Read, and referred to the Appeal Committee.

The LORD FARNHAM took the oaths.

OVER DARWEN GAS BILL.

Read a third time, and passed.

NEWPORT DOCKS BILL.

Read a second time, and committed for Thursday next.

BOROUGH WATCH RATES BILL.

House in committee (according to order); Bill reported, without amendment; and to be read a third time to-morrow.

NORTHERN AND EASTERN RAILWAY (No. 2.) BILL.

Returned from the Commons, with the amendments agreed to.

DEPTFORD PIER JUNCTION RAILWAY BILL.

Returned from the Commons, with the amendment agreed to.

ANNIESLAND AND BLACK QUARRY ROAD BILL.

Reported, without amendment.

PRISONS BILL.

The EARL of RODEN and the EARL of HARDWICKE presented petitions against the clause permitting the appointment in prisons of Roman Catholic chaplains, and other teachers of religion, whose tenets differ from the principles of the established church, — of justices of the peace for the county of Cambridge: of the Bath Protestant Association: of the chaplain of the gaol and house of correction in and for the county of Huntingdon: and of inhabitants of Bristol; Ashburne; Clifton; Campden; and Yeaseley.

On presenting the petition from Cambridge, —

The EARL of HARDWICKE said: — I am of opinion that the Prisons Bill is an unnecessary Bill — at least, in reference to the county of Cambridge. The system of prison discipline has been changed from time to time. No sooner has one system been established — the silent system, for instance, than another is introduced — the separate system; and the consequence is, that the Secretary of State is at liberty to tax, at his pleasure, all the counties of England. For my own part, I should be very glad to see the further progress of this Bill stopped: it is not likely to be successful; and it is sure to add materially to the difficulties of the resident gentry in the country, who have enjoyed — thanks to the constant changes going on! — neither peace nor quiet for the last five or six years.

Read, and ordered to lie on the table.

SABBATH.

The EARL of RODEN presented petitions for the better observance of, — of the minister and others belonging to the congregation of Saint John's church, Derby; and of inhabitants of Shirley. — Read, and ordered to lie on the table

MAYNOOTH COLLEGE.

The BISHOP of GLOUCESTER presented a petition for the adoption of a measure for the suppression of, — of the Hereford Protestant Association. — Read, and ordered to lie on the table.

SABBATH.

The EARL of RODEN presented petitions for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — from the minister and others belonging to the congregation of Saint John's church, Derby; and of inhabitants of Osmaston. — Read, and ordered to lie on the table.

PRISONS (SCOTLAND) BILL.

The EARL of MANSFIELD presented a petition against, — of the committee appointed by the special general meeting of the commissioners of supply of the county of Forfar. — Read, and ordered to lie on the table.

ADDRESS.

The LORD STEWARD reported, That her Majesty had appointed Thursday next, at two o'clock, at Buckingham Palace, to receive the address of this House.

ECCLESIASTICAL DISTRICTS BILL.

House in committee (according to order); amendments made; the Report thereof to be received to-morrow.

HIGHWAY ACT AMENDMENT BILL.

Read a second time, and committed to a committee of the whole House to-morrow.

BILLS OF EXCHANGE BILL (No. 2.).

Brought from the Commons; read a first time, and to be printed.

GLASS DUTIES BILL. — SHIP PROPELLER COMPANY BILL.

Brought from the Commons, and read a first time.

CLERGY RESERVES (CANADA).

The BISHOP of EXETER. — I beg to ask the Noble Marquess at the head of the Colonial Department, whether the Bill which has passed the Legislature of Upper Canada for re-investing the clergy reserves in her Majesty will be laid on the table of the two Houses of Parliament?

The MARQUESS of NORMANBY. — For the reasons which I gave the other day, — namely, on the ground that the Bill wants some necessary formality, — it is not in the power of her Majesty's Government to lay the Bill on the table.

The BISHOP of EXETER. — In the present state of public business, as the Bill is of great importance, and will require much time for consideration, I wish to know whether the Noble Marquess is prepared to say that the measure will not be laid before Parliament during the present Session?

The MARQUESS of NORMANBY. — I may as well state, at once, that I do not think that it will be in the power of her Majesty's Government to lay the Bill on the table in the course of this Session. Intelligence cannot be received from Canada within less than three weeks.

JUDGE OF THE COURT OF ADMIRALTY.

LORD BROUGHAM. — I wish to ask my Noble and Learned Friend what course the Government propose to take in reference to the salary of the Judge of the High Court of Admiralty? On looking into the Navy Estimates of the present year, I observe, immediately after an item of 50*l.* for the housekeeper of the Admiralty, a sum of 2313*l.* 4*s.* 2*d.* for the judge in question. This is a most scandalous anomaly, and ought not to be allowed. I suppose that it would be impossible to introduce a Bill into this House on the subject; but a measure might be brought forward in the other House of Parliament.

The LORD CHANCELLOR. — There is a Bill now before the House of Commons relating to the matter.

LORD BROUGHAM. — I can only say that the money has been actually voted.

POSTAGE.

Petitions for reduction of the rate of, — of the provost, magistrates, and town council and community of Falkland; of members of the Birmingham Mechanics' Institution; and of inhabitants of Lawrencekirk. — Read, and ordered to lie on the table.

BEER ACT.

Petition for alteration of, — of ratepayers and others of Speen. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition against the scheme recommended by the Privy Council, — of the archdeacon and clergy within the archdeaconry of Bath. — Read, and ordered to lie on the table.

Also, a petition of the general committee of the Lynn and Marshland District National Society. — Read, and ordered to be received as the petition of W. J. Brodrick (the chairman), who, only, has signed it.

SPIRIT ACT (IRELAND).

Petition for alteration of, — of grocers and spirit dealers and others of Clonmel. —Read, and ordered to lie on the table.

PRESBYTERIANS.

Petition praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of the Presbyterian congregation of Stranorlar. — Read, and ordered to lie on the table.

HIGHWAYS ACT.

Petition for alteration of, — of trustees of roads in the counties of Brecon, Radnor, and Glamorgan. — Read, and ordered to lie on the table.

CONSISTORIAL COURT OF CHESTER, AND CHANCERY COURT OF YORK.

On the motion of the BISHOP of EXETER, ordered to be laid before the House, — Statement of the number of causes of correction of clerks heard and determined in the Consistorial Court of Chester, from the 1st of January, 1829, to the present time, the sentences therein pronounced, and the number of sentences appealed from the said court: And, also,

Similar statement from the Chancery Court of York, together with a statement of the number of such causes appealed to the said court, within the same time.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Earl of Stamford's Estate Bill. — Read a second time, and committed to Mr. TATTON EGERTON and the North Cheshire list.

Rathkeale (Limerick) Inclosure Bill. — Time further enlarged for committee to report till Friday.

Deptford Pier Junction Railway Bill; Northern and Eastern Railway (No. 2.) Bill. — Lords' amendments agreed to.

Mellin's Divorce Bill. — Reported, with amendments; amendments agreed to.

Aberford Small Debts Bill; Rotherham Small Debts Bill. — Further consideration of Reports on Friday.

Ship Propeller Company Bill. — Read a third time, and passed.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill. — Petition from Wrexham, in favour. — To lie on the table.

PUBLIC BUSINESS.

LUDLOW BOROUGH ELECTION.

Mr. SPEAKER acquainted the House, That he had received a letter from Thomas Alcock, Esquire, who is returned a burgess to serve in this present Parliament for the borough of Ludlow, that he, the said Thomas Alcock, did not intend to defend his return for the said borough; and the said letter was read, as followeth: —

SIR,— I, Thomas Alcock, Esquire, having been elected and returned a Member to serve in Parliament for the borough of Ludlow at the last election for the said borough, and such return having been petitioned against, do hereby, in pursuance of the Act of Parliament in that behalf, and by desire of certain electors of the said borough, who are anxious themselves to oppose the prayer of the said petition, declare that it is not my intention to defend the said election or return.

THOMAS ALCOCK.

Dated this 8th day of July, 1839.
To the Right Honourable the Speaker of the House of Commons.

Act (9 Geo. IV. c. 22. s. 11, 12, and 13.) read; Order for considering petition of John Thomas and Richard Marston, on Tuesday, the 16th of July, read, and discharged; petition to be taken into consideration upon Thursday, the 22d day of August next, at three of the clock in the afternoon.

COUNTY COURTS BILL.

Power to committee to report minutes of proceedings.

Reported accordingly; Report to be taken into further consideration upon Monday next; Bill, as amended, and minutes of proceedings, to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Maynooth College, — By SIR P. EGERTON, Mr. KEMBLE, and others, against further grant, — from Denby; Middlewick; Frenchay; Mangotsfield; Saint George; Stapleton; Olveston; Winterbourne; Alveston; Elberton; Almonsbury; Aust; Stoke Gifford; Filton; Westbury upon Trym; and Peckham and East Dulwich.

Shannon Navigation, — Of John Luke Harton, of Banagher, miller, complaining of the inadequate compensation awarded to him by the commissioners.

Postage, — By LORD VISCOUNT LOWTHER, Mr. G. BERKELEY, and Mr. W. WILLIAMS, for a low and uniform rate, — from Newport; Dursley; Burntisland; Tullaniskin; and Uley.

Lord's Day. — Two petitions from St. John's, Derby, for better observance.

Registration of Electors (Sligo), — By COLONEL PERCEVAL, — of freeholders, householders, and inhabitants of the county and borough of Sligo, complaining of the decisions of the assistant barrister for that county, and praying for his removal. — To be printed.

Royal Academy, — By SIR R. INGLIS, — of the president, council, and academicians of the Royal Academy, praying the House to discharge the Order of the 14th of March last, for a Return of the receipt and expenditure of that Institution. — To be printed.

Sale of Beer Bill, — By Mr. HARVEY, — of the chairman and committee of the Licensed Victuallers' Protection Society of London, against. — To be printed.

Stage Coach, &c. Duties, — By Mr. HASTIE, — from Paisley, for reduction.

Bank of Ireland Charter, — By Mr. ELLIS, — from Newry, against the renewal thereof.

Municipal Corporations (Ireland) Bill. — By Mr. SHAW, — of recorders or clerks of the several guilds or corporations of Dublin, for compensation.

Germanic Commercial League, — By Mr. BAINES, — from Halifax, for securing the attendance of a representative of the British Government at the approaching sitting of the commission at Berlin.

Collection of Rates Bill, — By Mr. CAYLEY, — of grand jurors of the North Riding of York, against.

Education, — By Mr. WELBY and others, against proposed scheme, — from Grantham (two petitions); Eardisley; Bollesford and Muston; Croxton and Granby; Colsterworth, Marston, and Gelston; Ropsley; Culverthorpe and Welby; Croft; Little Steeping; and Northampton.

From Wainfleet and Croft, for revoking the Order in Council appointing a committee to superintend the application of grants.

Church Establishment (Canada, &c.), — By Mr. WELBY and others, for support, — from Didmartin cum Oldbury on the Hills; Chipping Sodbury; Cam; Sopworth; and Grantham.

Corn Laws, — Against repeal, — from Woolastone; and Tidenham.

County Courts Bill and Borough Courts Bill, — By Mr. SCHOLEFIELD, — Two petitions from Birmingham and Deritend, against.

Church Discipline, — Against the proposed measure, — from clergy of the deanery of Dursley; and clergy of the deanery of Campden.

Foreign and Colonial Staves, — By Mr. DENNISTOUN, — from Glasgow, for repeal of duty thereon.

Queen's Printer (Scotland), — By Mr. DENNISTOUN, against the renewal of the exclusive right to print Bibles, — from Strathaven; and Glasgow.

Church of Scotland, — From Kirkleston, in support.

EMBANKMENTS (IRELAND).

Bill "to extend and amend the Provisions of an Act of the first and second Years of his late Majesty, for empowering Landed Proprietors in Ireland to sink, embank, and remove Obstructions in Rivers," presented, and read a first time; to be read a second time on Friday, and to be printed.

PUBLIC PETITIONS COMMITTEE.

Thirty-fifth Report brought up, and read; to lie on the table, and to be printed.

RETURNS.

Coronation Expenses. — On the motion of Mr. HUME, Return ordered, —

Under separate heads, of the manner in which 69,421*l.*, was paid for her Majesty's coronation, stating the amounts paid in each department of the Royal Household, separate from the expenses of buildings and materials.

Factory Inspectors. — Return presented — of the number of days during the last twelve months the inspectors have been in their districts (Address 1st of July). — To lie on the table.

Education (Ireland). — Return presented — of sums paid to the Irish National Board of Education, and of the expenditure of the same (ordered 19th of March). — To lie on the table.

District Lunatic Asylums (Ireland). — Return presented — relating to district lunatic asylums in Ireland (ordered 15th of May. — To lie on the table.

NATURALISATION BILLS.

CAPTAIN PECHELL. — I wish to ask the Noble Lord the Secretary of State for the Home Department, whether it is

intended to reduce the expense of letters patent for naturalisation and denisation, which I find, from a Return that has been made to an order of the House, amount to 105*l.* upon each individual?

LORD JOHN RUSSELL. — I do not think, as far as I have, hitherto, considered the subject, that it will be in my power to propose any reduction.

PRINTING OF THE BIBLE IN SCOTLAND.

LORD JOHN RUSSELL. — Having, on a former occasion, been asked a question by the Right Honourable Gentleman the Member for Pembroke, relative to the renewal of the patent for printing the Bible in Scotland, — and having, on that occasion, stated the intentions of the Government, and explained the form of the board which it is proposed to establish for authorising the printing of the Scriptures, — I now beg to say that I have nothing to alter in the statement I then made, but that I propose to make an addition, which it may be as well that I should announce to the House. I have already said that the Lord Advocate and the Solicitor General for Scotland will have seats at the board. The addition which I have now to make to that statement is — that it is the intention of the Government to give power to certain parties, on making application to the Lord Advocate for the time being, to print copies of the Bible, on subscribing a declaration that the persons applying intend to act as editors, and on entering into a bond that they will print the edition according to the authorised version. They are also to be required to transmit a copy to the Lord Advocate, and the proof sheets to the secretary of the board. The persons to whom this privilege is to be granted are — bishops of the Episcopalian church, or clergymen authorised by them, — dissenting ministers of the Presbyterian church, recommended by their presbyteries, — and clergymen of the Independent and Baptist persuasions, recommended by the clergy of their respective persuasions. These persons, on entering into recognizances, will have the privilege of printing the Bible, on applying to the Lord Advocate and obtaining his sanction.

SIR J. GRAHAM. — I felt obliged to the Noble Lord for the statement which he made on this subject on a former occasion; and not having since received communications from Scotland containing objections to that statement, I conclude that it has been satisfactory to the clergy of the established church. It is unfortunate, however, that the proposed alteration has been postponed to so late a period, as the patent will expire on the 17th of the present month, — leaving only nine days for the clergy of the established church to express their objections in, if they shall have any, to that alteration. It would not become me, without more consideration, to express an opinion on this addition to the plan of the Government; but it is clear that it makes a material alteration in the original proposition. Any dissenting clergyman, under certain conditions, is to have the power of printing the Bible, not on obtaining the sanction of the board, but, on obtaining the sanction of the Lord Advocate for the time being; — while the only security against an erroneous edition is the entering into recognizances to print according to the authorised version. Now, it appears to me that this is a highly objectionable proviso, inasmuch as the mischief may be done before the recognizances can be estreated. A spurious edition may be sent forth; and the only remedy for the evil will be to estreat the recognizances, which cannot cure the mischief. I am inclined to think that the proposed addition to the original plan will be strongly objected to by the clergy of the established church.

LORD J. RUSSELL. — The Right Honourable Gentleman has somewhat misapprehended the nature of the alteration which it is proposed to make. The security is not to depend entirely upon the recognizances. The sanction of the Lord Advocate is also to be required. The proof sheets, too, are to be sent to the secretary of the board, for examination; and if any error be discovered, the same steps will be adopted to prevent the evil anticipated, as are adopted in any other case of pirating. With respect to what has been said by the Right Honourable Gentleman as to the shortness of the time for ascertaining the opinion of the clergy of Scotland, it so happens that some of the leading members of the established church of that country are at present in town, who can be consulted without delay. I have received from the committee of the General Assembly, expressions of satisfaction with the plan I formerly proposed; and I expect that they will also be satisfied with the proposed addition, notwithstanding what has been said by the Right Honourable Gentleman to the contrary, — as that addition does not alter the constitution of the board.

SIR J. GRAHAM. — Has the Noble Lord any objection to lay on the table of the House the instrument by which the plan of the Government is to be carried into operation?

LORD J. RUSSELL. — It is my intention, when the instrument shall be completed, to lay it on the table.

SUPPLY — BANK OF ENGLAND.

Motion made, and question proposed, "That the Order of the Day for the Committee of Supply be now read."

Mr. HUME. — For some time past, I have felt and expressed an anxiety to bring the proceedings of the Bank of England, as far as they affect the circulation of the currency, under the special consideration of the House. With that view, I have given notice of the following motion: — "That a select committee be appointed to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments, — and particularly to ascertain how far these transactions produced the alarming crisis of the manufacturing, commercial, and financial affairs of the country in 1825–6, and in 1836–7; and, also, to inquire whether, as the Bank of England is at present constituted, there ever can be stability in the currency, or confidence in the commercial transactions of the country?" This is a question which appears to me of the greatest importance; and I regret, sincerely, that the House did not agree to a motion which I made upon it on a former occasion, when they would have had ample time to go into examination of the whole details. In 1836, I moved, as an amendment to the motion for the appointment of a select committee on joint stock banks, that the committee should be instructed to inquire into the effect of the clause introduced into the charter of the Bank of England, by which country bankers are held to have satisfied their engagements, by paying them in Bank of England paper. That motion having been negatived, I then moved that the committee should inquire into the privilege conferred on country and joint stock banks to pay their promissory notes in Bank of England notes, instead of paying them in gold. In the following year, I moved for an inquiry into the state of banking, and the causes for the changes of the circulation since 1833. My object was to extend the inquiry, so that it should not be limited to the joint stock banks, but that it should extend to the Bank of England, — from whose proceedings I firmly believe that the whole irregularities of our circulation have taken place. If the House should be of opinion that the state of the circulation is not satisfactory, — if they should come to the opinion that, since the resumption of cash payments in 1819, we have experienced a constant succession of ups and downs, by which the value of every article has been affected, and by which misfortune has assailed, not only the commercial interests, but more especially the interests of the working classes, of this country, — and if they should be of opinion that the monetary state of the country, which must have such important effects on the condition and comforts of all classes in the community, is not in a satisfactory state, — then do I say that the House ought not to separate until it has inquired into this subject. The only documents which I shall think it necessary to refer to in the course of the remarks I am about to address to the House, are documents which have been published by the Bank of England itself; and from them I shall be able to show that the evils we have experienced are attributable to the conduct of the Bank. I have been charged with making unfair attacks on the Bank of England. I do not deny that I have attacked it as a public body, and that I have charged it with having grossly mismanaged the public affairs intrusted to it. But I do deny that there was anything unfair in my attack. I did not attack the directors personally, or charge them, individually, with criminal negligence, or with being actuated by a personal wish to do injury or harm to the country. I know many of them personally, and I am ready to admit that they are high-minded and honourable persons; but if I can show that, by their negligence as a body, they have deviated from that course which sound policy dictates, I should be guilty of a neglect of duty to this House, and the country, if I did not point out such conduct. I have nothing whatever to do with joint stock banks; and, from the first moment my Honourable Friend near me proposed an inquiry into the joint stock banks, I said that that inquiry would end in nothing, — as their operations did not affect the general principles of the currency to anything like the extent supposed, neither had they produced any of those great changes in it which had been brought about by the Bank of England. I have always been decidedly opposed to the principles of those who are anxious to affect the currency, by increasing its amount by unlimited issues of paper; and

I believe the country would be much better off with an entire metallic circulation, than with, as now, a mixed circulation of paper and gold. I shall now endeavour to point out some of the evils that have arisen in the monetary system of the country since 1819, all of which, as I shall be able to show, are clearly attributable to the conduct of the Bank of England. All I ask for is, a committee; and if that be granted me, I am prepared to substantiate the following facts: —

1. That it is the duty of Parliament to provide a currency as a common and universal standard, by which the value of all property may be estimated between man and man; and to render that standard as little variable as possible. 2. That the Bank of England has, in the exercise of the powers and privileges granted by the existing monopoly, violated those rules of banking which have been admitted to be the best by its own directors; and has produced, by its proceedings, frequent alterations in the value of the standard, by which the Bank has profited, and the community have suffered great losses, and been subjected to much distress. 3. That the commercial crisis in money matters in the years 1825–6, in 1836–7, and the pecuniary difficulty at the present time, have all been occasioned by the Bank's irregular issues of paper money. 4. That the property and industry of every man in the kingdom has been thereby greatly affected by these excessive variations in the value of the standard of money; and that no man in business, whatever his prudence and circumspection may be, can escape the dangers arising from the injudicious exercise of that power which the Bank possesses, of altering the value of the standard at the pleasure of the directors of the Bank.

These being the grounds on which I ask for the inquiry, I will show how far the Bank has, from the earliest moment after the resumption of cash payments, violated the recommendations of this House. Sir Robert Peel's committee recommended that the repayment of a considerable amount of Government securities held by the Bank should be made before the Bank should resume cash payments. The amount of public securities held by the Bank for Government at that time was 22,500,000*l.* The private securities were 10,000,000*l.*; making, together, the sum of 32,000,000*l.* The resumption of cash payments was to take place on the 1st of May, 1821; and two months previous to that time, the Bank reduced the amount of public securities held by them to 16,000,000*l.*, and their private securities to 4,785,250*l.*; making, together, about 21,000,000*l.*, instead of 32,000,000*l.* On the 31st of August, 1821, the public securities were further reduced to 15,752,953*l.*, and the private securities to 2,722,587*l.*; making a total of 18,475,540*l.* On the 28th of February, in the following year, there was a further reduction of the public securities to 12,478,133*l.*, but the private securities had increased to 3,494,947*l.*; making, together, the amount of public and private securities somewhat less than 16,000,000*l.* This was done in accordance with the public recommendations of the committee of Parliament; and in conformity with them, between the period of 1819 and 1822, the advances of the Bank on Government securities were reduced from 22,355,115*l.* to 12,478,133*l.*,—being a difference of 9,877,000*l.* As cash payments were resumed in May, 1821, and were in full activity in February, 1822, it may be as well to compare the state of things in 1819 with that of February, 1822. In 1819, the amount of the circulation and the deposits in the Bank was 31,540,070*l.*; and, there not being a single particle of gold coin in circulation, this amount represented the total quantity of money, so far as regarded the administration of the currency by the Bank of England. In February, 1822, the amount of the Bank circulation and deposits was 23,355,290*l.*; and therefore, as compared with 1819, there appeared to be a decrease of about 8,000,000*l.* in the total quantity of the paper circulation. It is important to see how the Bank proceeded to obey the resolutions of the Parliament to which I have adverted. If they had kept strictly to their instructions, it would have been well; but, by the gradual increase of paper money which took place at that time, it led to the important events to which I shall now advert.

At the time I have just stated, there was an increase in the amount of the circulating medium; for it should be recollected that, in the period from May, 1821, to February, 1822, the Bank issued 9,200,640*l.* in sovereigns, in exchange for its notes withdrawn from circulation; and this amount of gold being added to the 23,355,290*l.* of paper, made the total quantity of money 32,257,930*l.* So far, therefore, as regards the administration of the currency of the Bank of England, the total quantity of money in February, 1822, exceeded that of February, 1819, by 817,860*l.*; and, if it be considered that the resumption of cash payments raised the value of the standard about 8 per cent., it will then appear that the real quantity

of the circulating medium, in February, 1822, exceeded that of February, 1819, by upwards of 3,300,000*l.*, — nay, more than that, — because there was more silver in circulation in 1822 than in 1819. It was in consequence of this greater abundance of money, and a greater stability of things resulting from a return to cash payments, that the Government was able, in 1822, to reduce 160,000,000*l.* of five per cents. to four per cents., which it had not been able to effect during the eight previous years of peace and the suspension of cash payments. It was also owing to the greater abundance of money, that the Bank, in 1822, reduced its rate of interest, in its discounts, from 5 to 4 per cent. Another proof of the greater abundance of money at that time is to be found in the comparative prices of three per cent. consols, which, in August, 1819, stood at 71¼ per cent., and which rose, in August, 1822, to 80¼ per cent. Such were the circumstances attending the resumption of cash payments; and such were the results of the state of things as connected with the currency up to 1822. In the following year — 1823 — matters were changed; and then the monstrous effect of the dead weight was experienced, by which the country lost so much money, independent of its bad influence on the currency. At this period, the four per cents. were reduced to three and a half per cents., — a reduction which was made to the extent of 60,000,000*l.* This was the period at which the Bank showed such a complete departure from principle. If they had not abandoned the resolutions of Parliament, the state of things would have been entirely different, and we should not have had to deplore the lamentable results that ensued. In the following year — 1824 — the Bank agreed to pay the dissentients amongst the holders of the four per cents., to the amount of between 5,000,000*l.* and 6,000,000*l.* In addition to this, the Bank also agreed to advance money to individuals on the security of stock; and they went on making advances after advances on the dead weight from 1824, till they got involved in those foreign loans and wild speculations which followed. Then came the reaction in consequence of their great issues of paper money. If the House will review this state of things, it will see that the committee of 1819 very wisely came to the conclusion that it would be impossible for the Bank to resume cash payments unless it were relieved of a very considerable amount of its Government securities; and this having been done, the Bank resumed cash payments with the greatest facility, and everything went on for a time prosperously. In the year 1823 commenced a course of operations, by which all this was undone; and the consequence was, that, in February, 1825, the advances of the Bank on Government securities amounted to 19,447,588*l.*, — which was only 2,900,000*l.* short of the amount of 1819, and which the committee of that date declared to be wholly incompatible with the resumption of cash payments. The state of the money market on February 7. 1825, was wholly without precedent. The circulation and deposits of the Bank of England amounted to 30,922,540*l.* During the period from May, 1821, to February, 1825, the Bank issued upwards of 20,000,000*l.* in sovereigns, and of this sum at least 14,000,000*l.* must have remained in circulation in 1822, — and which, added to the amount I have just stated, would give an amount of 44,922,540*l.*, besides the circulation of silver. It appears, then, that when the Bank reduced the advances on the securities from 30,000,000*l.* to 21,000,000*l.*, there was a great increase of bullion in their coffers; but, as they increased their advances in securities again to 30,000,000*l.*, the bullion departed from their coffers. I have in my hand a paper which shows the great increase that took place in the amount of paper money between 1822 and 1824.

The average amount of notes of the Bank in this year is 17,862,682*l.*; the average amount of deposits, 6,484,950*l.*; — making the total amount of the circulation of the Bank of England 24,349,632*l.* The country circulation of bank notes is 8,316,820*l.*, making the total paper circulation amount to 32,666,652*l.* I will not go into the question as to whether or not deposits should be regarded as a part of the circulation; but as they are payable on demand, I shall take them as such. In 1829, the Bank paper circulation amounted to 20,135,342*l.*, the deposits to 10,198,315*l.*; making a total circulation for the Bank of 30,333,657*l.*, at the same time that the country circulation in notes was 11,141,422*l.* Thus, at this period, the total paper circulation of the country amounted to more than 41,475,000*l.* By comparing the circulation of 1824 with 1822, it appears that there had been an increase of nearly 9,000,000*l.* in the paper circulation within a period of two years. But this is not all; — as the stock of bullion held by the Bank in February, 1824, was 13,810,060*l.*, in November, the same year, it was 11,448,000*l.*; showing a decrease of bullion to the amount of 2,362,060*l.* It was owing to this state of things that, although the Bank, in 1825, issued sovereigns, yet, within a few

months, there was hardly one left to issue, for all had flown out of the country. This is a conclusive proof, to my mind, that that state of things has produced a complete drain of gold from the currency of the country. If the metallic circulation had been 10,000,000*l.*, 20,000,000*l.*, or 100,000,000*l.*, it would all equally have flown abroad, in consequence of the remarkable proceedings of this country at that period. I believe that more than half the sovereigns issued at that period were shipped from this country as soon as they had been issued. This great increase of circulation caused a great increase of apparent prosperity, at the very time when the reduction of the four per cents. was carried into effect, which led to another great increase in the currency. I shall now point out the effect of this new issue of paper in the price of consols and Exchequer bills. On the 28th of February, 1823, consols were 73¼, and on the 31st of August they were 82¼; on the 15th of February, 1824, they rose to 92¼, and on the 15th of April to 96½, —or about 23 per cent. more in price in little more than one year. This went on until the end of 1825, when consols suddenly fell to nearly what they were in February, 1823. In February, 1826, they had fallen to 77¼, — being a reduction of about 20 per cent. All these evils arose from the great increase of the currency in 1823-4, and the ill-advised proceedings of the Bank and the Government. Now, what was the state of the currency in 1825? As I have before stated, the amount of the circulation was only 2,900,000*l.* short of what it was in 1819, an amount which the committee declared to be wholly incompatible with the resumption of cash payments. Since 1824 there had been an increase of nearly 7,000,000*l.*; so that, between 1822 and 1825, there was an increase of 16,000,000*l.* in the circulation. This was an increase in the paper of the Bank of England only, and was quite independent of the circulation of the country bankers. The Bank, however, was altogether responsible for the proceedings that took place; and these issues produced the great effect. Mr. Ward, in his evidence before the committee up-stairs, said that the Bank had advanced 5,400,000*l.* to the dissents, in the four per cents. In addition to this, the Bank bought the dead weight annuity, instead of selling it, as Mr. Huskisson stated to have been intended when they purchased it. That Right Honourable Gentleman declared that it never was understood that the Bank should hold it, but that it should be resold; and if this had been done, much of the mischief that followed would have been prevented. The mode in which they paid for this dead weight was by an issue of six millions of paper money. They also continued to make advances on stock and mortgage, and further increased their discounts of commercial bills. About this period a plan was brought before the French Chambers for the reduction of the five per cents. of that country; and the Bill passed the Deputies, and was lost by only one vote in the Chamber of Peers. I understood that if this Bill had passed, Mr. Rothschild and Mr. Baring had undertaken to carry the plan out into effect; and that the former gentleman had made an agreement with the Bank that it should make advances on 2,000,000*l.* of this foreign stock. I heard this from good authority; and it was a most fortunate thing that the Bill was thrown out of the French Parliament, as the operation would have been attended with most dangerous consequences, had it been carried into effect. It has often been mentioned that this state of the money market produced a great effect on prices in this country in the year 1825, and thus led to a great increase in the imports. Thus, then, there was an increase of 44 per cent. on the quantity of flax imported, 71 per cent. on the quantity of tallow, 81 per cent. on the quantity of tobacco, 64 per cent. on the quantity of wine, 52 per cent. on the quantity of cotton wool, and an increase of 94 per cent. on the quantity of sheep wool. This was in consequence of prices in England being so much higher than they were abroad. The bubble, however, burst in 1825, and the Bank ceased to pay in bullion. And here I must observe that the Government, by availing themselves of the operations of the Bank, were instrumental in leading to this state of things. The consequence was, that the Government, which, in 1824, had reduced the four per cents. to three and a half per cents. at par, were obliged to fund 8,000,000*l.* of Exchequer bills, at 4 per cent., at 94; thus losing 20 per cent., or 1,600,000*l.* The revenue, also, in 1826, was 2,500,000*l.* less than it was in 1825. The interest of Exchequer bills fell to 2 per cent. discount, and were raised from 1½*d.*, or 2*l.* 5*s.* 7*d.*, to 3*d.* or 4*l.* 1*s.* 3*d.* The three per cents. fell 20 per cent., or from 98¾ on the 28th of February, 1825, to 77 on the 28th of February, 1828. The number of dockets struck in bankruptcy on the average of a certain number of years, previously, was 1500, but it increased in that year to 3900. This was a ratio of increase, probably, never equalled, unless in case

of invasion or civil war. There was universal ruin throughout the country, and all might be traced to the conduct of the Bank. The Bank increased their paper circulation 17,000,000*l.* between the years 1822 and 1825, and without the means of paying 1,000,000*l.* in bullion. The Bank had distinct notice of the state of the currency, from the decline in the stock of bullion, as early as August, 1824. The Bank issued upwards of 28,000,000 of sovereigns in the years 1821 to 1825. On the 26th of February, the bullion in the Bank was 13,782,700*l.*; on the 26th of May it declined to 13,007,770*l.*; on the 26th of August, to 11,990,700*l.*; on the 26th of November, to 11,448,000*l.*; on the 26th of February, 1825, to 8,857,700*l.*; on the 26th of May, to 6,456,300*l.*; on the 26th of August, to 3,683,700*l.*; and by the end of the year all the bullion was gone. Between November, 1824, and May, 1825, the decrease was no less than 5,031,700*l.* In the beginning of 1824, the creation of paper by the Bank had become so large, that the bullion was forced only by the depreciation of the currency. If the Bank had remained passive, and cancelled the notes paid in for the bullion, the evil would have cured itself; but as fast as one set of notes were cancelled by the extraction of bullion issued, a fresh set, to the same or greater amount, was issued on securities. On this system, it was a mathematical certainty, whether the Bank had 10,000,000*l.* or 20,000,000*l.* of bullion, it would all go, and the Bank be obliged to stop payment, — as it did.

If the House examine the Appendix. No. 88, to the Report of 1832, they will see how very slow, how very gradual, the progress at first was — how very rapid it was after the impulse was given. Notwithstanding the increase of paper currency in 1824, the decrease of bullion from February to November was only 3,000,000*l.*; but from November, 1824, to November, 1825, the decrease was 8,000,000*l.*, and the Bank had only 3,000,000*l.* left, — and, in December, was obliged to issue 1*l.* notes. While there was a regular decrease of bullion, there was a regular increase of paper, as appeared from the amount of securities held by the Bank from 1822 to February, 1826, and securities were the true test of increase of Bank notes. If the Bank had acted on proper principles, the calamities of 1825 would not have taken place. The Bank was in the habit of throwing all the blame on the joint stock banks, though their sins were far less than those of the Bank. Whilst the difference in the amount of paper depending on securities on the Bank was 17,206,776*l.*, the creation of paper money by the country bankers during the same period was 6,415,350*l.*, and numbering together 23,622,126*l.*, of which there was cancelled for bullion 11,000,000*l.*, a part of the remainder of the failure of country banks, and the rest was added to the currency. No sooner did the country get out of one misfortune, than another followed; and it is distinctly to the Bank of England that I attribute the misfortunes of 1836 and 1837. It was in 1833 that the renewal of the Bank charter took place, and I look back with satisfaction to the part I took on that subject. I did everything in my power to oppose that renewal. The renewal, however, took place; and among other alterations in the state of monetary affairs, there were two to which I will refer. The one was, that joint stock banks were established; and there was presented at the same time this peculiarity, — that the Bank of England paper was made a legal tender in the payments of these joint stock banks. I, at the same time, foretold what the result would be, — namely, that the Bank of England would have to provide bullion sufficient to meet the whole of this paper currency; and, accordingly, the present amount of bullion for which they are answerable is 37,000,000*l.* The Bank is lending money at no less than four different rates of interest, — an arrangement obviously absurd and mischievous. To the joint stock banks they lend money at 3 per cent., while to another class they lend it at 4 per cent.; and what can possibly be more absurd than this, — that while the Bank is obliged to repress its own circulation in London, by raising its discount to 5½ per cent., it is lending money to the joint stock banks at 3 per cent.? This is producing the effect which they ought carefully to have avoided. As to the general feeling on the part of the country banks on the subject of issuing paper money, this was shown by Mr. Gibbins, in his evidence before the committee. He was asked, —

For the security of your banking operations, would you like to know a little more accurately, in point of time, what is the state of the assets and liabilities of the Bank of England? — No; I should think not. I do not know that that concerns us much.

You do not think that would concern you in your business as a banker? — No.

You do not regard it at all? — No.

If you saw, upon a series of returns from the Bank of England, that the amount of bullion had been gradually lessening, and that there was a drain upon the resources of the Bank of England, do you conceive that that would be a matter to which it would be your duty to give attention, as a practical banker in the country? — We have

not the charge of providing bullion to pay our notes; that charge rests with the Bank of England to provide bullion.

Does not the state of exchanges and the amount of gold in the hands of the Bank of England affect the country banks of this country? — I do not think it does in general; I think it only operates with a very few banking companies.

Another just cause of complaint against the Bank is, the fluctuation in the amount of its securities. Upon this subject, Mr. Palmer also gave evidence before the committee, to the following effect: —

It appears by the accounts before the committee, that for the last four years the amount of securities in the hands of the Bank varied very little. Do you consider it important in the management of the Bank to keep the securities at nearly the same amount?—As nearly as the same can be managed.

What is the reason why you think it necessary to keep the securities at the same amount? — Because the public are thereby enabled, without any forced action on the part of the Bank, to act for themselves in returning notes for bullion for exportation, when the exchanges are unfavourable. If the exchanges continue favourable for any great length of time, then the influx of treasure will command an increased issue of paper, and which may derange the proportions; but it does not follow that the Bank ought, upon that account, immediately to extend its issue upon securities. When, however, it is clearly ascertained to be desirable that part of the excess of bullion so received should be returned to the Continent, then it may be necessary for the Bank to reassume its proportion, by transferring part of the bullion into securities,—still preserving the proportions of one third and two thirds.

The Bank, however, in this particular also, acted in a manner contrary to Mr. Palmer's opinion; for, on the 7th of March, 1837, the amount of securities held by the Bank was 30,579,000*l.*, and on the 4th of December in the same year the amount was 22,727,090*l.*, — showing that no less a sum than 7,852,000*l.* had been drawn in that period. So great a change was contrary to every just principle, and was calculated to produce the greatest evils. Mr. Samuel Gurney was examined before the committee, as to the best means of reducing the circulation; and the following was the evidence which he gave: —

Which would be most advantageous to the persons engaged in commerce in London, — the Bank selling their other securities in the market, or either raising the rate of discount, or refusing discounts altogether?—Taking for granted that they were compelled to take some severe step, I think the least disadvantageous would be to sell their other securities; I think the most injurious step would be to refuse the discount.

Would the sale of Exchequer bills be calculated to produce fluctuation in the value of money you have spoken of?—A sale on the part of the Bank of England of Exchequer bills, of course, has the effect of lessening their amount of Bank notes, and increasing the value of money.

Is there any measure which the Bank of England could have taken, or can now take, to regulate the exchanges, when such operations are undertaken by this country?— No other measure, that I am aware of, than by reducing their circulation, and increasing the value of money in this market.

Is there any measure which the Bank could take to protect themselves from a drain of bullion, when such transactions are undertaken by capitalists in this country? I do not think they can take any steps to protect themselves, excepting that of reducing the amount of their circulation, and of increasing the value of money.

In May, 1835, then, the currency was in a good condition. To understand the notices of the Bank of England for advances on securities during 1835, 1836, and 1837, it is necessary to premise that the Bank, in its regular mode of doing business, was only open to applications for the discounting of bills of exchange not having longer than ninety days to run,—and this to persons, alone, who had regular discount accounts with the Bank; but, under the pretence of assisting the money market during the four periodical shuttings of the different stocks, the Bank, for several years previous to 1835, was in the habit of making advances on long dated bills of exchange, Exchequer bills, India bonds, and other approved securities. These advances were for about six weeks at each of the quarterly periods, and were made to all persons indifferently, — so that for twenty-four weeks in the year the Bank broke through all its former rules, and all the rules which it observed during the remainder of the year. This was a system which must have had the effect of encouraging gambling; for there never was the least difficulty in obtaining money on Exchequer bills, India bonds, and long bills of exchange, after the payment of the dividends and the opening of the stocks; but the difficulty was to obtain money during the shutting and previous to the payment of the dividend,—and that difficulty was removed by this new practice of the Bank. The making advances for so short a period as ten days, — by means of which a man might pay off and renew his loan at least three times in six weeks, — was also an encouragement to gambling. These practices have been frequently observed upon and objected to,— and the Bank seems now to be convinced of the truth of the objection; for, from March, 1837, until November, 1838, it made no other advances during the shuttings than on such long-dated bills of exchange as did not come within the rules of the Bank. This being premised, I now come to the last of these periodical notices

of the Bank, previous to the loan, dated the 29th of May, 1835, which is as follows:—

The Governor and Company of the Bank of England do hereby give notice, that, on and after the 29th instant, they will be ready to receive applications for loans upon deposits of bills of exchange, Exchequer bills, East India bonds, or other approved securities; such loans to be repaid on or before the 15th of July (six weeks), with interest at the rate of 4 per cent. per annum, and to be for sums of not less than 2000*l.*

From which it is evident that the rate of interest charged by the Bank, previous to the loan of 15,000,000*l.*, was 4 per cent. The loan for 15,000,000*l.* was taken on the 3d of August, 1835; and, on the 5th of August, the Bank issued a notice precisely similar to the notice I have just read, agreeing to make advances on bills of exchange, Exchequer bills, India bonds, and other approved securities; such advances to be repaid on or before the 20th of October (seventy-six days, or eleven weeks), with interest at the rate of 3½ per cent. Upon this notice, there are two things to be observed; —first, that it is out of the regular course, —for, in the regular course of business, this notice would not have been given till the beginning of September, previous to the shutting for the October dividend; and, next, the Bank dropped its rate of interest from 4 to 3½ per cent.; —and this appears to have been done to induce the subscribers to pay up the loan in full, because the Government allowed a discount equal to 3½ per cent. In this state of things, it is evident that, if payments of the loan were made in full, it must have been owing to the Bank having dropped its rate of interest, by which ½ per cent. was gained by the person paying up the loan; as, otherwise, no one would be so mad as to borrow money of the Bank at 4 per cent.,—which was the previous rate of discount,—to get only 3½ per cent. from the Government. But, notwithstanding this encouragement by the Bank, very little of the loan was paid in full for fifteen days; and then the Bank resorted to the unjustifiable and unusual expedient of making advances on stock,—for, on the 20th of August, 1835, they issued the following notice:—

The Governor and Company of the Bank of England do hereby give notice, that they will make advances on stock, and other approved securities, such advances to be repaid on or before the 10th of September next, with interest at the rate of 3½ per cent., and in sums of not less than 2000*l.*

On the 10th of September, 1832, they renewed the notice for the advances on stock. On the 1st of October, 1835, they renewed the notice for the advances on stock and other approved securities to the 20th of October. On the 8th of October they renewed the notices for the advances on bills of exchange, Exchequer bills, East India bonds, and other approved securities, to the 20th of November. On the 15th of October they renewed the notice for the advances on stock and securities till the 20th of November. On the 29th of October they renewed the notice for the advances on stock, Exchequer bills, &c., till the 15th of January, 1836 (seventy-eight days, or eleven weeks); and this notice was certainly given to refresh the memories of the public, and induce them to apply for advances, because the former notice did not expire till the 20th of November. Some time before this notice expired, the advances on stock, bills of exchange, Exchequer bills, and other approved securities, were continued to the 12th of February. On the 28th of January, 1836, the Bank renewed the notice for advances on stock, Exchequer bills, &c., till the 15th of April, 1836. At this latter period the bullion of the Bank began to decline, in consequence of the measures it had taken; and it discontinued its advances on stock after April, 1836. I have no hesitation in pronouncing these different notices to have been so many puffing advertisements, to induce the public to apply for advances; and I do not wonder that they should have produced, first, the rise of prices, and, secondly, the subsequent disastrous bankruptcies. After the Bank had discontinued its advances on stock, it then fell into the usual way of making advances on Exchequer bills, &c., during the shutting. The next notice was on the 2d of June, 1836, to the 15th of July, when the rate of interest was raised to 4 per cent. The notice after this was on the 2d of September, to the 20th of October, when the interest was further raised to 5 per cent. But, on the 2d of March, 1837, the Bank issued a notice, whereby it confined its advances to bills of exchange having not longer than ninety-five days to run; and it said nothing of Exchequer Bills, India bonds, and other approved securities. All the notices that had issued from the Bank, from the 2d of March, 1837, to the 28th of November, 1828, were confined to bills of exchange. On the 31st of May, 1838, the following notice was issued by the Bank:—

The Governor and Company of the Bank of England do hereby give notice, that, on and after the 31st instant, they will be ready to receive applications for loans on the deposits of approved bills of exchange not having more than six months to run; such loans to be repaid on or before the 17th of July next, with interest at

the rate of 3½ per cent. per annum, and to be for sums of not less than 2000*l.* each.

This they did to give an impetus to the issues. They continued on this principle until the 29th of November, 1838, when notice was given to make advances on bills of exchange, Exchequer bills, India bonds, and other approved securities, until the 23d of January, 1839 (fifty-six days), continued at 3½ per cent. On the 28th of February, 1839, the same notice was given, at 3½ per cent., to be repaid on the 23d of April (fifty-four days). On the 30th of May, 1839, the same notice, to be repaid on the 23d of July, 1839; interest at 5 per cent. — Exchequer bills, India bonds, and other approved securities. On the 20th of June, 1839, the Bank raised the interest, with reference to the preceding notice, to 4 per cent., and excluded "Exchequer bills, India bonds, and other approved securities." All this time the bullion was going out, until it was reduced from upwards of 9,000,000*l.* to 4,000,000*l.* and odd; at which amount it stood on the 20th of June. It was these fluctuations and irregularities which brought about the recent crisis. It was this which turned the exchanges against us, as they still continue. By advices from Paris, received this day, it appears that they are as bad as ever. It was one of the recommendations of the committee of 1832, and it was one of the objects which Lord Althorp professed to have in view in renewing the Bank charter, — that steadiness in the currency should be insured by the operations of the banks. But so far from this object being obtained through the agency of the Bank, I can show that, in every one of its operations there was a continual fluctuation — a perpetual up and down, without any apparent or discoverable principle. For instance, with respect to Bank notes, and Bank post bills, the amount in circulation in different years appears to be as follows: —

Dec. 20. 1823,	£17,575,000		
Dec. 24. 1825,	25,611,000	Increase of Bank notes in twenty-four months	£8,036,000
June 16. 1827,	20,503,040	Decrease of Bank notes in eighteen months	. 5,107,960
April 18. 1829,	20,750,060	Increase of Bank notes in twenty-two months	. 247,020
June 26. 1830,	19,978,550	Decrease of Bank notes in fourteen months	. 771,510
Feb. 4. 1832,	19,156,990	Decrease of Bank notes in twenty months	. 821,560

From a comparison of the amounts of Bank securities in different years, it will be seen that the fluctuations were excessive. The amount of securities was —

May 1. 1832,	£23,896,000	In 1832, the greatest fluctuation was	£1,189,000
Dec. 4. 1832,	22,707,000		
April 2. 1833,	24,289,000		
Aug. 6. 1833,	23,592,000	In 1833 *, ———	697,000
Oct. 1. 1833,	24,244,000		
March 4. 1834,	25,547,000		
June 3. 1834,	27,812,000	In 1834, ———	3,144,000
Sept. 23. 1834,	28,691,000		
Dec. 16. 1834,	26,962,000		
June 2. 1835,	25,562,000	In 1835, ———	3,099,000
Oct. 20. 1835,	28,661,000		
Jan. 12. 1836,	31,954,000	In 1836, ———	4,801,000 m.
June 28. 1836,	27,153,000		
March 7. 1837,	30,579,000		
Nov. 14. 1837,	23,985,000	In 1837, ———	7,852,000 d.
Dec. 12. 1837,	22,727,000		
Dec. 11. 1838,	20,707,000	In 1838-9, ———	3,127,000 m.
June 25. 1839,	23,934,000		

The highest, January 11. 1836 . . £31,954,000
The lowest, December 11. 1838 . 20,707,000
Difference . . £11,247,000

The fluctuations in the price and interest of Exchequer bills went on in the same way. They varied in different years as follows: —

1830, Jan. 5. at 78*s.* to 79*s.* premium,	at	2*d.* and 1½*d.*	interest per diem.
—— July 5. — 81*s.* to 80*s.*	——	2*d.*, 1½*d.*, and 1½*d.*	——
1831, Jan. 5. — 26*s.* to 29*s.*	——	1½*d.*	——
—— July 5. — 10*s.* to 9*s.*	——	1½*d.*	——
1832, Jan. 5. — 9*s.* to 8*s.*	——	1½*d.*	——
—— July 5. — 12*s.* to 10*s.*	——	1½*d.*	——
1833, Jan. 5. — 40*s.* to 50*s.*	——	1½*d.*	——
—— July 5. — 53*s.* to 54*s.*	——	1½*d.*	——

* Charter granted.

1834, Jan. 5.	at 46s. to 48s.	premium, at 1¼d.	interest per diem.
—— July 5.	— 51s. to 53s.	—— 1¼d.	——
1835, Jan. 5.	— 40s. to 41s.	—— 1¼d.	——
—— July 6.	— 31s. to 33s.	—— 1¼d.	——
1836, Jan. 5.	— 15s. to 18s.	—— 1¼d.	——
—— July 5.	— 15s. 17s. to 14s.	—— 1¼d.	——
1837, Jan. 5.	— 32s. to 34s.	—— 1¼d.	——
—— July 5.	— 32s. to 34s.	—— 1¼d.	——
1838, Jan. 5.	— 50s. to 52s.	—— 1¼d.	——
—— July 5.	— 71s. to 74s.	—— 2d. and 2d.	——
1839, Jan. 5.	— 67s. to 66s.	—— 2d. and 2d.	——
—— June may be quoted 10s. to 20s.			

The amount of bullion in the hands of the Bank varied to a still greater extent. It appears that the amounts of bullion were —

Amount of Bullion.		Fluctuations.	
Dec. 20. 1823,	£14,142,000		
Dec. 24. 1825,	1,027,000	Decrease in twenty-four months,	£13,115,000
June 16. 1827,	10,677,000	Increase in eighteen months,	9,650,000
April 18. 1829,	6,104,000	Decrease in twenty-two months,	4,573,000
June 26. 1830,	11,795,000	Increase in fourteen months,	5,691,000
Feb. 4. 1832,	5,088,000	Decrease in twenty months,	6,707,000
Bullion Average.		**Variations.**	
Dec. 28. 1833,	£10,200,000		
March 25. 1835,	6,295,000	Decrease in fifteen months,	£3,905,000
Nov. 26. 1836,	8,014,000	Increase in twelve months,	1,719,000
March 7. 1837,	4,048,000	Decrease in twelve months,	3,976,000
April 3. 1838,	10,126,000	Increase in thirteen months,	6,078,000
June 25. 1839,	4,344,000	Decrease in fourteen months,	5,782,000

Thus it appears that, between the 20th of December, 1823, and the 24th of December, 1825, the amount of bullion in the coffers of the Bank had varied from upwards of 14,000,000*l.* to little more than 1,000,000*l.* Let the House compare the enormous fluctuations in the circulation of the Bank of England, to which I have referred, with the comparatively slight changes in the amount of the circulation of joint stock banks and of private banks. I refer the House to the following table in proof of this point: —

RETURN OF THE CIRCULATION OF PRIVATE BANKS AND JOINT STOCK BANKS, THREE MONTHS, ENDING —

	Private Bank.	Joint Stock Bank.	Total.
1833, Dec. 28.	£8,836,803	£1,315,301	£10,152,104
1834, June 28.	8,875,795	1,642,887	10,518,682
—— Dec. 28.	8,537,655	2,122,173	10,659,828
1835, June 27.	8,455,114	2,484,687	10,939,803
—— Dec. 26.	8,334,863	2,799,551	11,134,414
1836, June 25.	8,614,132	3,588,064	12,202,196
—— Dec. 31.	7,753,500	4,258,197	12,011,697
1837, July 1.	7,187,673	3,684,764	10,872,437
—— Dec. 30.	7,043,470	3,826,665	10,870,135
1838, June 30.	7,383,247	4,362,256	11,745,503
—— Dec. 31.	7,599,942	4,625,546	12,225,488
1839, March 30.	7,642,104	4,617,363	12,259,467

The lowest, Dec. 28. 1833	£10,152,104
The highest, March 30. 1839	12,259,467
Increase	£2,107,363

It thus appears that the greatest variation in the amount of private and joint stock circulation was from 10,152,104*l.* to 12,259,467*l.* or 2,107,363*l.* It is wonderful, considering what the conduct of the Bank had been, in forcing out the money, — considering what temptations it held out to private banks to extend their issues, and to individuals to engage in wild and hazardous speculations, — that both banks and individuals did not yield to the temptation to a much greater extent than they really did. When the next Return was made, in June, 1839, the securities had increased to 23,934,000*l.*; — in other words, they had forced out money, and increased the circulation to the amount of 3,000,000*l.* more; and I believe that, if there had been weekly returns, it would appear to have been increased by 4,000,000*l.* during part of that period. One of the effects of this increase of the circulation, was to raise the price of upland cotton, in the Liver-

pool market, from 6½ to 9½. All my statements are drawn from written documents, — from Reports of committees and other official sources. I put forward nothing, in the way of figures, that can be disputed; and, resting upon these proofs, I do think that the Bank of England has acted in a manner widely different from what ought to have been the conduct of a great public body, holding the station and influence which the Bank does. I will show the House how very different has been the conduct of the Bank of France. It appears, from the evidence of Mr. A. Baring before the Lords' Committee of 1819, that, even in a period of panic and considerable pressure, the Bank of France never reduced its discounts of commercial bills. All they did, in order to check excessive speculations, was to reduce the period of discounts from ninety days to sixty; and, for a short time, to forty-five days. From the year 1819, until the present time, they have never increased the charge for discounts, but have preserved a uniform rate of 4 per cent. all that time. During the whole of the disturbances in 1830, they steadily continued it. I lately examined that Bank; and I will just mention to the Chancellor the speech of the governor to me, when I asked whether there would be any objection to my seeing the accounts of the Bank: — "None at all; our house is a house of glass. Every man may see our transactions." In fact, the transactions of the Bank of France are every day printed, and returns of them made to the Treasury. These accounts are regularly made up, showing every shilling embanked during the day, — the amount of discounts under every head, — in short, the whole daily transactions of that Bank; — so that there is no mystery; and the greatest confidence in the operation of the Bank accordingly prevails. On a late occasion, when the Belgian Bank failed, and a run took place, in consequence of the erroneous principles on which Lafitte's bank was conducted, there was considerable pressure. But all that the Bank of France did, was to re-discount the notes of Messrs. Lafitte's bank at forty-nine days. That was all that was done to place the currency in its proper state, while we were undergoing most cruel attacks upon our property, by means of those currency arrangements on the part of the Bank of England, which was the parent, instead of being the preventer, of speculation. While the Bank of England was discounting and lending at 3½ per cent., 4 per cent., 5 per cent., and 6 per cent., the Bank of France, avoiding such variation, and its evil consequences, had had nothing but 4 per cent. They would take neither more nor less. When commercial men want money, they go to the Bank and get it; the result of which is, that the amount of discounts by the French Bank is double that of the Bank of England. I think it forms a matter of just complaint, that the Treasury is, by the present system, dependent on the Bank: the Bank is made subservient to the purposes of the Government; and the Government, in return, subservient to the purposes of the Bank. The Chancellor of the Exchequer is dependent, every quarter-day, for the advances which may be doled out to him from the Bank. I think this a state of things which imperatively calls for a change. Let the House observe how different is the state of things in France: there, the national Bank is under proper control, and the Government enjoy and exercise an independence which becomes the Government of a great nation; while the Bank not only performs its allotted functions upon a great scale, but upon one of contracted extent, also, whilst it grants discounts as low as 4*l*. And this system, as is well known, works advantageously for the Bank itself; for, on a series of transactions extending to upwards of 30,000,000*l*., they do not sustain losses exceeding 8*l*., whereas the losses of the Bank of England, upon a similar amount, would be, perhaps, hundreds or thousands.

For these various reasons, it does appear to me most important that the House should not separate without a distinct understanding as to how the affairs of the Bank stand; and it behoves Parliament to ascertain what is the proper course to be adopted, in order to prevent a recurrence of these commercial embarrassments, which are generally supposed to spring from the mismanagement of our banking concerns: indeed, the Bank directors, themselves, ought to have their errors, if they have committed any, pointed out, in order to be enabled to apply a remedy. If you grant me a committee, I will undertake to furnish you with all the information requisite for enabling that committee to decide upon the course to be pursued. I am aware that the charter of the Bank must remain in operation for some years longer, that it cannot at present be interfered with: but this circumstance will not render useless the inquiries of the committee for which I intend to move; and for this, amongst many reasons, — that, though we cannot alter the charter, we may offer such recommendations as the directors of the Bank would, of course, not disregard. I

undertake to say that the inquiry need not occupy the committee more than fourteen days. I want no evidence. I shall be prepared, from public documents, alone, to substantiate every statement which I have made to the House; and I beg to move the amendment of which I have given notice, — namely, To leave out from the word "That" to the end of the question, in order to add the words "a select committee be appointed to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments; and particularly to ascertain how far these transactions produced the alarming crisis of the manufacturing, commercial, and financial affairs of the country in 1825–6, and in 1836–7; and, also, to inquire whether, as the Bank of England is at present constituted, there ever can be stability in the currency, or confidence in the commercial transactions of the country," instead thereof.

Mr. W. WILLIAMS. — Sir, I second the motion. I cannot help expressing my surprise that so little interest is felt in this House on a subject of so much importance. No question can be more deserving the attention of the House and country, than an inquiry into the continual changes in the value of every description of property which have, of late, taken place in this country, and which keep persons in every avocation in life in a state of uncertainty and incessant anxiety. The working classes, farmers, tradesmen, manufacturers, merchants, are all, at one time, in prosperity and activity; in a few months after, all these interests are in adversity, — the working classes thrown out of employment, and their wages reduced, — their employers sustain heavy losses, — property of every description depreciates in value, — ruin and dismay spread around, — the working people reduced to great distress, — thousands of families brought down from a state of comfort and respectability to the lowest misery. After the work of mischief and ruin is completed, prosperity again returns, — and again, in its turn, adversity. Thus prosperity and adversity, and their intermediate states, move in a perpetual cycle. What can be more injurious, than such a state of things, to the best interests of the country, — depending mainly, as it does, upon its trade, manufactures, and commerce, for the maintenance of internal tranquillity — of its power and greatness amongst nations — of its ability to bear the pressure of our enormous debt and taxes? There must be some grave cause for these evils, which have so often afflicted the country. If the House will agree to the motion, and a committee be granted, it will be proved that that cause is almost entirely to be found in the mismanagement of the issue of paper money by the Bank of England, its abuse of the power which has been given to it, and its connection with the Exchequer. Trace its conduct since it stopped payment in 1797, and it will be found that, as its issues of paper notes have fluctuated, the value of property, of every description, has fluctuated in the same proportion. From that period to 1810, it increased its issues to a very large amount; and, in consequence, there was a great advance in the prices of all commodities, — which gave an appearance of great prosperity, — at the same time Bank notes were depreciated in value. In that year Mr. Horner moved for a committee to inquire into the condition of the Bank, which committee reported that the Bank ought to be compelled to resume cash payments. The Bank, apprehending that Parliament would carry into effect the recommendation of the committee, drew in its issue of paper notes; — a great depreciation of prices of all descriptions of property, and immense losses, immediately followed, which spread ruin throughout the manufacturing districts, and amongst commercial men. Being then at war, and the guinea worth 28*s.*, the committee showed great folly, and want of knowledge of the real state of the country, in recommending a resumption of cash payments;—folly almost equal to Mr. Vansittart's, who, when Chancellor of the Exchequer, proposed a resolution in this House, which was adopted by it, that a 1*l.* note and 1*s.* were equal in value to a guinea, when guineas were regularly sold for from 28*s.* to 29*s.* The distress produced by the contraction of Bank note issues caused this scheme to be abandoned.

The Bank, being again freed from restraint, began to put out paper — and high prices returned. In 1815, it again contracted its issues, preparatory to its resumption of cash payments, which it was bound to proceed to, by law, in twelve months after peace. This produced great distress, and depression in the value of commodities. The law was, in consequence, repealed. In 1819, the celebrated Bill of the Right Honourable Baronet the Member for Tamworth was passed, which prohibited the circulation of all notes under 5*l.*, after the 1st of May, 1823; and enacted that all Bank notes should be paid in sovereigns, on demand. To meet the exigency of this measure, a great contraction of Bank notes in circulation took place; which was followed by

great distress, and depreciation in the value of property. The pressure on the landed interest — a fact familiar to Honourable Members — was most severely felt; and that caused a Bill to be passed, in 1822, to extend the circulation of 1*l.* and 2*l.* notes to 1825. A most profuse issue of paper money immediately took place; which was encouraged by the Chancellor of the Exchequer, in order to raise the price of the funds, so as to enable him to reduce the interest of the four per cents. — which object he effected. I need not remind the House of the extraordinary apparent prosperity that ensued, but which was founded upon the false basis of an excessive issue of paper money. Prices of commodities rose 50 per cent., and in some cases 100 per cent.; all sorts of schemes were set on foot, and the wildest speculations were entered upon; innumerable joint stock companies were formed for carrying out various objects at home, and working gold and silver mines abroad — especially in South America; foreign loans to an immense amount were contracted; — the wealth of the country appeared inexhaustible. When the time for paying for all these undertakings came, it was found that foreign countries would not buy our manufactures, on account of the great advance in their price; — the exchanges fell, and were everywhere against this country. This could only be corrected by large exports of gold and silver, which caused a drain upon the Bank. The Bank became alarmed; and to save itself (but at the expense of the public), it began to contract its issues of paper, about the middle of the year 1825, — which contraction was immediately followed by great stagnation in commercial affairs, and in every branch of our manufactures, and by an extraordinary fall in the price of every article. These causes brought on the panic, in the latter end of that year, which produced such disastrous consequences, and placed the best interests of the country in imminent peril. Nearly one hundred banks stopped payment; merchants, manufacturers, and persons engaged in every branch of business failed, all over the country; the working classes were thrown out of employment, and reduced to a state of great distress and suffering. The Bank of England brought itself to the verge of stopping payment. Mr. Huskisson, who was then a Minister of the Crown, — and than whom no man better understood the then state of affairs, — said, "the country had been brought to within forty-eight hours of a state of barter."

Let any one imagine, if he can, the confusion, insecurity to property, and national degradation, which such a state of things would produce. Mr. Canning, to prevent a recurrence of these direful evils, which he attributed to an excessive issue of paper money, brought in a Bill, in 1826, to prohibit the issue of 1*l.* and 2*l.* notes, and which re-enacted Peel's Bill. This, he said, would place the paper structure on a solid foundation, — and he figuratively described it as "a mountain of paper, irrigated with gold." The Bank of England, as well as country banks, again took courage, and increased their issues, — which, as a natural result, led to an advance of prices, which continued to 1829, when the exchanges became unfavourable, and a demand for bullion was the consequence; to check this, the usual means of withdrawing paper in circulation was resorted to, and the usual result of a depression of prices followed. As an instance, I will state the prices of the funds in 1829; — the highest price of consols was 94¼; they fell to 85½; and, in 1830, they fell to 77½. In 1835, there was a great increase in the issue of Bank of England notes, induced, principally, by the Chancellor of the Exchequer offering a higher interest than the worth of money in the market, for paying up the West India loan of 15,000,000*l.*, nearly all of which was paid up before scarcely any of the claims were adjusted. Thus, interest was paid for a very large sum that was to lie idle. As an instance of the variableness of the circulation, I will state its amount at two periods of only six months from each other; — in the amount of circulation, I include the deposits, which I consider, in time of pressure, to be the most dangerous to the Bank; as it is invariably seen that, when they begin to reduce their circulation, money becomes of more value, and the deposits are withdrawn; and when there is alarm, the deposits may be demanded in gold. On the 3d of July, 1835, the total circulation was 29,269,000*l.*; stock of gold, 6,219,000*l.*; — and, on the 14th of January, 1836, the total circulation was 36,431,000*l.*; stock of gold, 7,076,000*l.* This shows an increase of 7,162,000*l.* in the circulation, while the increase of bullion was only 857,000*l.* This vast increase was in the deposits, to make use of which the Bank was most profuse in advancing money upon all sorts of securities. Money soon became so abundant, that any amount might be obtained, upon ordinary security, at 2 per cent. interest. This caused wild speculations; — prices of commodities advanced, — especially the raw materials used in manufactures — from 40 to 80 per cent. — nearly all of which being the products of foreign countries, we had to pay so much more, as

represented the amount of increase in the prices to those countries; and, in proportion as our manufactured goods advance in price, there is, invariably, a decreased demand for exportation: the consequence inevitably is, a derangement of the exchanges, — to correct which, a large export of bullion is required. The Bank had again recourse to its usual expedient of contracting its paper circulation; which caused a great fall of prices, and the panic of 1837, the disastrous effects of which upon the best interests of the country are but too well remembered. The country, by its energy and resources, no sooner recovered itself, than new difficulties developed themselves, arising again from mismanagement of the currency by the Bank. Our corn law monopoly, and the deficiency of the last harvest, and the consequently large import of corn, have contributed much to produce the present derangement; but, still, if the Bank had acted upon the principles which its directors said should guide them, in the evidence which they gave before the Committee on the Bank Charter, — namely, to keep a stock of bullion equal to one third of the amount of their circulation,—much of the present evils would have been avoided. This principle they entirely departed from, as will be shown by comparing their first and last return for this year. On the 8th of January, 1839, the circulation was 18,201,000*l.*; deposits, 10,315,000*l.*; total, 28,516,000*l.*; stock of bullion, 9,336,000*l.*: the last return, the 25th of June, circulation, 18,101,000*l.*; deposits, 7,567,000*l.*; total, 25,668,000*l.*; stock of bullion, 4,344,000*l.*: this shows a decrease in the circulation of 100,000*l.*; in the deposits, 2,748,000*l.*; total, 2,848,000*l.*; while the decrease in the bullion is only a trifle short of 5,000,000*l.*, in a period of only five months and a half. These returns are taken from the delusive system of averages of three months. If the actual amount of bullion in the coffers of the Bank, on the 5th of January and the 25th of June had been furnished, it would appear, I have no doubt, that the foreign corn which has been imported, and the value of which the Chancellor of the Exchequer states to have been 7,100,000*l.*, has nearly all been paid for with bullion. This fact is most important, and cannot be contemplated without alarm; and, in my opinion, furnishes an irresistible necessity of repealing the corn laws. In former times, when foreign corn was imported, it was paid for with manufactured goods. If the next harvest should only prove indifferent, and an importation of foreign corn be required, the Bank will be placed in a perilous situation. Nothing could be more disastrous to the country than a stoppage of the Bank: no one can foresee the extent of the evils that would result from such a calamity. Ought the country, I will ask, to be exposed continually to these perils and dangers? Ought the property of the country, and the condition of every man in it, to be thus incessantly subject to change? Ought the working classes, periodically, to be reduced to the direst distress? Ought persons engaged in manufactures and commerce to be subjected thus to uncertainty? I say, we ought not to allow things to remain in their present state. We ought to inquire into — and find — a remedy.

The Chancellor of the Exchequer, I doubt not, will oppose the motion of the Honourable Member for Kilkenny, who, I consider, has made out an irresistible case of inquiry. If the House performs its duty to the country, and has any feeling for its prosperity, and the wellbeing of the people, they will support the motion for a Committee of Inquiry. Is it right to allow the prosperity of the country, and the happiness of the people, and, I may say, the stability of the Government, to be dependent upon a company which is managed by twenty-four merchants, called Bank directors, who exercise the mighty power with which they are vested, without control or responsibility, — for they are virtually a self-elected body? Look at the proceedings at the half yearly meetings of the proprietors of the Bank. Remarkably simple questions are asked, apparently with a view of eliciting what the directors are anxious to communicate. No information, whatever, is obtained; and I believe the proprietors are, themselves, perfectly ignorant of the condition of the Bank. The connection which so closely exists between the Bank and the Government must be severed —they are too dependent on each other. This dependence may bring both to great danger and difficulty. I find that, in July last, the Chancellor of the Exchequer borrowed of the Bank 7,800,000*l.* to pay the dividends that fell due a few days after. Suppose the Bank had not been in a condition, without running absolute danger of stoppage, to lend this money, — what would have been the condition of the two parties? The Exchequer, unless the money had been advanced, must have refused to pay the dividends; and the Bank, on the other hand, might say that, if they made the advance, they would be compelled to stop. Which of the two alternatives — and I am not putting an impossible case — would be attended

with the greater *quantum* of mischief, I will leave the House and the country to determine; but I will say, it is the duty of this House to sever that connection, and remove the danger. The Chancellor of the Exchequer borrowed of the Bank, last year, on deficiency bills, 25,595,000*l.*, to enable him to make good the public engagements, — the taxes not having been paid in before those engagements became due. The total amount of expenditure was 51,720,000*l.* It therefore appears, that one half of the amount of the expenditure was borrowed in anticipation, for which the Bank received 73,840*l.* for interest.

There is another subject to which I wish to call the attention of the House. The savings banks have, at present, lodged in them — 22,000,000*l.* This sum may be all called out upon ten days' notice. During a period of pressure and alarm, a general call for this money might be made; and if any considerable amount were demanded in gold, it might produce the most fearful consequences. I say that this system ought to undergo revision, and be placed on a different principle. The Right Honourable the Chancellor of the Exchequer, a few evenings since, expressed great satisfaction at the increase of deposits in the savings banks, — which, he said, was an evidence of the prosperous state of the working classes. I say it furnished no such evidence. The working classes do not form the principal portion of the depositors. To an immense extent, these depositors are not of the poorer classes, but persons comparatively in good circumstances. I have been informed by an Honourable Member of this House, that in a savings bank with which he is acquainted, whole families have their names for the largest amount of investments allowed, when the money belongs to the parent, who derives the advantage, and thus gets, at the public expense, nearly 1 per cent. more interest than if he invested his money in the funds in his own name; and, what is still more important, security to receive the full amount of the principal sum invested, when he sells out. This will, some day, inevitably produce a great loss to the country; in proof of which I will give instances of the fluctuations in the price of consols. In 1825, consols were as high as 94½; they fell, the same year, to 77½; in 1826, the highest price was 84½, and the lowest 78¼; in 1830, the highest price was 94½, while the lowest was 77½; in 1831, the highest price was 84½, the lowest 74¼. This shows a difference of upwards of 20 per cent. between the highest and lowest prices. The investments in the savings banks have been made principally during the last five years, when consols have ranged from about 90 to 94. Suppose any occurrence were to cause them to be brought down to 73½, — the price to which they fell in 1836, — and a run were to take place on the savings banks; there might be, in such case, a loss to the public of some millions. If the money in the savings banks belonged to the working classes, who obtained it by the sweat of their brow and the labour of their hands, I would willingly make the sacrifice required, and give them both the advantages and the protection now afforded. I call on the House to give their most serious attention to the question before the House, and to place our monetary system upon a more secure footing, — and to free the country from the troubles to which it has so often been subjected, and the dangers to which it has been exposed from the present system. I have been asked to propose a remedy. This would form the most important part of the inquiry of the committee which has been moved for; but I will state that, in my opinion, a bank of issue of paper money and of discount is incompatible: the fact of both characters being combined in the Bank of England, is, principally, the foundation of the evils which the fluctuations of its currency have caused. The Bank cannot resist the temptation to create paper, which costs scarcely anything, when large interest is offered for it: they therefore adhere to no fixed rules or principles, and seem entirely governed by a love of gain, such as may enable them to pay large dividends. The power which they have so recklessly abused, to the grievous injury of the country, must be taken from them, before there can be, to the public, security; and the circulating medium must be placed on a solid basis, and entirely under the control of Parliament. Have a Committee of Inquiry, and have all the facts laid before you: you will then be able to determine on the best course to pursue.

On the question being put, —

Mr. T. ATTWOOD said: — I wish to say a very few words on this subject. My Honourable Friend, who has just sat down, has said that the Bank of England might have avoided many of the evils that have occurred, by a better system of management. Now, I will show that it was impossible that the Bank of England could have acted differently to what they have done. They have been compelled to act as they have done. They are a mere engine in the hands of Government, which compels them to destroy hundreds and thousands of families in their own defence; and

which, at another time, compels them to relieve the distress they, themselves, have created. In 1816, the Bank was compelled by the Government to push the circulation; and for this they are now charged with having acted improperly. But if this course had not been taken, the distress, terrific as it was, would have been far more terrific. I will explain how it was that, in 1816, the Bank was compelled to relax the screw, as the Right Honourable Baronet the Member for Tamworth has expressed it. In June of that year, Lord Liverpool brought in and passed a law enabling the Government to increase the issue of Bank of England notes from 23,000,000*l.* to 30,000,000*l.*, and by this means the distress of 1816 was relieved. But the Bank was compelled to reduce the circulation in 1819, and thus to produce the terrible distress of the succeeding years. In 1822, in consequence of the terrific distress of the agriculturists, the Bank increased its issues, and Lord Castlereagh brought in, on one day, five Acts to enable them to do so. This measure was forced upon them by the sufferings of the country; for if it had not been adopted, the wildest anarchy would, at that time, have ensued. I am about to make an admission which may not please many of my friends, and it is this, — that if the people had been well governed, they never would have demanded radical reform. I confess the truth; but my object is more to make the people prosperous and happy, than to produce changes which possibly might not work beneficially. Let the Government make the people happy, and they shall have no trouble from me as a Radical.

[Cries of "Hear!" and laughter.]

The Bank of England, in relaxing the screw in 1816 and 1822, did not do so with any dishonest and selfish view of increasing their own dividends. They were compelled to do so as a matter of necessity. The security of the nation demanded it. I do not believe that any member of the Bank directors is making unjust gains, or taking advantage of the sources of knowledge he possesses, to purchase consols or goods of any kind in order to make an improper profit. I have never seen anything of the sort, and I do not believe that they have ever done so. The directors remonstrated with Lord Grenville in 1819, on his "sacred" or "gold" standard, and wrote a letter to him, which had only rather too much of the *suaviter in modo*, and too little of the *fortiter in re*. They were called upon, then, to restrict the issues, and they humbly stated that they entertained a doubt whether the country could bear the operation. Lord Grenville, in reply, arrogantly remarked, that they (the directors) had nothing to do with the country, and that they had only to mind their business, and he would mind his. Lord Grenville was as ignorant, on all such matters, as a dog, and knew nothing of what he was doing, or of the mortal consequences that he was inflicting on the nation. Lord Liverpool compelled the Bank to recal its issues. I do not blame the Bank for doing this; but they might have remonstrated against it. The Government were indebted, then, to the Bank 36,000,000*l.*, and the Bank might have insisted upon being paid in sterling gold; and this they could not have raised, even if they had put up the crown of England to auction, and the whole of the lands of England and of India put together, with six months' notice. I blame the Bank for not having remonstrated. Again, in 1825, the Bank of England was compelled, in furtherance of the policy of the Government, to stimulate the circulation and to keep up profits; but how miserable this country was, in 1826, 1827, 1828, and 1829, has been well described by my Honourable Friend. At that period I formed the Political Union; and the necessity for — the basis of — that union, was, the injustice of compelling the working classes to pay paper currency, imposts, rates, and taxes, in standard gold. Again, in 1829, the pressure was so terrible, that the country became convinced of the necessity for reform; and shortly afterwards hoped for better things on the passing of the Reform Bill. Well; — in order to relieve the distress that existed in 1833, Lord Althorp, now Earl Spencer, — than whom there never was a kinder or a worthier man, — and there are very few more sensible men, — compelled the Bank of England to relax the screw. But when the screw was relaxed, it was done by a Bill into which, as the Right Honourable Baronet the Member for Tamworth stated, two extraordinary clauses were foisted, which had nothing really in common with the subject at issue; — one of these was, to enable the Bank of England to abolish the usury laws; and the other to make Bank notes a legal tender, which had never been done before. Lord Althorp also set up the joint stock banks; and these banks deluged the country with paper money and paper credit of all kinds during the years 1834, 1835, and 1836. This accounts for the seeming prosperity of those years; but all this was not done by the Bank of England — it was done by the Government, to stay the march of anarchy, and to give some relief to an exasperated people. And it did produce that effect. It rendered the

people contented; and the men of Birmingham, who were also contented, attributed it all to the operation of the Reform Bill. Very few were aware of the facts of the case; and the public press helped to keep the public in the dark. It was not like a thief coming upon them in the night; but it was like a fisherman pulling out one net and throwing in another, while the poor fishes know nothing of what is going on, till they find themselves entangled in the meshes.

[Laughter.]

The Bank of England, by contracting its issues, actually killed thousands of the people. Yes, thousands were destroyed by what some called "the Peel fever," but which your physicians called "the city fever;" — a fever produced by misery, and distress in business, without a hope of better times. The Bank of England has done more, — it has driven millions of families out of bread; — and all this to turn the exchanges in their favour. Even now, the distress in Lancashire, in Yorkshire, and among my constituents at Birmingham, is greater than ever it was known to be within the memory of man. Indeed, all the interests of the country, save the iron and the shipping trade, have, for the last two years, been suffering intolerable miseries. The iron trade would have suffered, too, with the rest, had it not been for the stimulus given to it by the numerous railroads now in progress, which have employed 400,000 labourers from the agricultural and manufacturing districts. If you go on to reduce commodities 20 per cent. lower than they are at present, in order to get gold back again to this kingdom, you will murder a still greater number of the honest and industrious labourers. It was said, at the time of its passing, that the Right Honourable Baronet's Bill would only create a difference of 4 per cent. in prices; but the fact was not so: instead of creating a difference of only 4 per cent., it created a difference of 400 per cent. Was there no fraud in this? Ought not such a fraud to be rectified immediately? The Bank has recently raised the interest of money to 5½ per cent. Now, before they did that, why did not they call upon her Majesty's Government to pay the debt which the latter owed them? If the Bank does not call upon the Government for the repayment of the sum due to it, it will create ten times as much misery as has ever been felt before. There will be a general insurrection, or, rather there will be no insurrection, — for it will be a mere touch and go, — and universal confusion will ensue, and sweep everything away before it. If I were Chancellor of the Exchequer, I should have no hesitation in saying to the Bank, "Keep the circulation affluent; let the circulation be as great, at all events, as it was in 1836. We will give you an order to issue 1*l.* notes again; and if you shall be unable to pay them in gold, we will give you a Restriction Act."

[Much laughter.]

But the Chancellor of the Exchequer will do no such thing. Only this very day, the Chancellor of the Exchequer has borrowed 5,000,000*l.*; and, if he had not been able to procure it, he would not have been able to pay the dividends. I have to complain, also, that those who are intrusted with the management of the monetary concerns of the country, have eyes, but see not, — ears, but hear not, — hearts, but feel not, — heads, but understand not.

[Laughter.]

I am surprised that Honourable Members refuse to see with their own eyes, and hear with their own ears; but, instead of this, they go on heaping folly upon folly; and then lay the charge of all the misery with which the people are, in consequence, afflicted, first upon one thing and then upon another,—while, in reality, their own acts, all the time, are the only cause. The sufferings of the country are all owing to this infernal screw. I shall support the motion, — not in order to criminate the Bank of England, but for the purpose of inquiring into the truth; when it will be found, I have no doubt, that the Bank of England was a mere tool in the hands of the law, and that it could not do otherwise than it has done. One word more on this subject. I do not believe that the Bank of England has, at the present moment, 1,000,000 of sovereigns in its coffers. From the last return, it appears that the average for twelve weeks is 4,300,000*l.* This is the average of three months; and you know that the reduction is 1,000,000*l.* every month. Hence it is impossible that the Bank can have more than 2,000,000*l.* of bullion, altogether, in its coffers. Deduct 500,000*l.*, for silver, — which is the lowest possible estimate, — and there will remain, I am convinced, only 1,000,000*l.* of sovereigns in the custody of the Bank at the present moment. It is too bad that the working classes — the men of Lancashire and Warwickshire — should have to undergo what they do, to expiate the errors which Parliament commits in its Acts. Instead of this, her Majesty's

Ministers ought to be made to suffer, and leave the Right Honourable Chancellor of the Exchequer to forfeit his salary; — he ought to be brought down. I shall support the amendment of the Honourable Member for Kilkenny, in hopes that the House will institute an inquiry. This is the only course, I find, that is now open to me. If I could do it consistently with order, I should move an addition to the amendment, of the words "under the present monetary system;" but this, I believe, cannot be done.

The CHANCELLOR of the EXCHEQUER. — I can assure the House that I shall occupy its attention as briefly as possible on the present occasion, and that I shall expressly confine myself to the practical question before the House, for fear of being led to stray into the wild and discursive views which have been opened by the Honourable Gentleman who last addressed the House. I do not know which of two circumstances, that this debate has developed, I most regret, — namely, first, that the Bank of England should have experienced the attack which has been made upon it by the Honourable Member for Kilkenny; or, secondly, that it should have been defended, in the way it has been, by the Honourable Member for Birmingham. But if the Honourable Gentleman has not succeeded in his attempted defence of the Bank of England, he has, on the other hand, brought forward so many new charges against it, that, were they well founded, no kind of inquiry would be applicable but a coroner's inquest. I am not about to follow the arguments of the Honourable Member; but there are one or two of his assertions, which, if not contradicted in the most decisive manner, might, not only in this House, but out of it, and in foreign countries, give rise to the most extraordinary and extravagant impressions. The Honourable Member, for instance, has asserted that Sir Robert Peel's Act raised the price of money 400 per cent.; but from what facts, or by what course of reasoning, he is enabled to draw this conclusion, I am totally at a loss to conceive. Another extraordinary statement of the Honourable Member was, that the Bank of England is not, at present, in possession of 1,000,000 of sovereigns. Now, I will take upon myself to assure the House, that not only is this an assertion not at all warranted by the fact, but it is one directly contrary to it. I will, next, come to the practical subject before the House. I hope it will not be imagined by any party in the country, that this House is indifferent to this great question; on the contrary, it is one, the magnitude and importance of which to the monetary concerns of the country will, I am sure, be admitted by all whose notice it comes under; and if the appearance of the House, at the commencement of the debate, was not such as would lead to the idea that a great degree of interest was taken in it by a majority of its Members, I think that that arose, not from a want of interest on the subject, but I believe it to have so happened, because the great bulk of Honourable Members do not think the appointment of the committee expedient. At the present period of the Session, and under the existing circumstances of the country, and, indeed, after the statements of the Honourable Member for Kilkenny, himself, I think that the majority of this House do not deem it expedient to institute this inquiry. The Honourable Member proposes to appoint a committee "to inquire into the pecuniary transactions of the Bank of England since the resumption of cash payments; and particularly to ascertain how far these transactions have produced the alarming crisis of the manufacturing, commercial, and financial affairs of the country in 1825-6, and in 1836-7; and also to inquire whether, as the Bank of England is at present constituted, there ever can be stability in the currency or confidence in the commercial transactions of the country." So that the proposed inquiry has no limit, but it will include the whole of the transactions of the Bank of England, — involving, as they do, every possible question of public credit, as well as the whole question of our mercantile affairs throughout the land, — and this extending over the whole course of the last twenty years, — a period including two most important epochs of commercial pressure; and then it will branch out into a sweeping inquiry into the present condition of the Bank of England, and the question, "whether, as the Bank of England is at present constituted, there can be any stability in the currency or confidence in the commercial transactions of the country?" Why, if there ever was any one subject, which, above all others, if entered upon, would be remarkable for its magnitude and its difficulty, and must needs compel us to expatiate into innumerable sources of inquiry, — and those of no ordinary nature, — it is this very question. In order to justify his motion, the Honourable Member for Kilkenny says he will not call a single witness, but will appeal only to written documents; and that, in the course of fourteen days, he will lay before the committee the conclusions to which they are,

it seems, to arrive. No doubt, the Honourable Member, whose industry, both in and out of the House, is so entirely acknowledged on all hands, may be able, in the course of fourteen days' reasoning on these documents, to come to certain conclusions; — but does he not know, full well, that there are many other Gentlemen in this House who may be inclined to come to opposite conclusions from those very documents? and that, although it may require only fourteen days for the Honourable Member to explain his views, it would require many times fourteen days for the elucidation and consideration of many points of difference, and perhaps for the examination of witnesses, also, before they could arrive at any definite conclusion? I think that this consideration is, in itself, a sufficient objection to the motion; but there are many others of a serious nature. The time may arrive, as it has done before, in which it may become necessary, when legislating upon the subject of the Bank, to make a full and searching inquiry into the manner in which it has managed its affairs, and is extending its resources. I am not prepared to say that, under certain circumstances, and in certain events, it might not become expedient to institute an inquiry into the banking system of England, provided that such inquiry did not imply any intention of violating any existing compact. But, at a time like the present, when, as Gentlemen know, the exchanges are so unfavourable,—when there is a considerable decrease of bullion in the Bank of England, and the value of money is daily increasing, — I think that an inquiry of this kind would only impede commercial transactions, and create general doubt and distrust. I stated, in answer to the motion of last year, that I had no objection to the inquiry, if it were restricted within proper limits; and I believe that that opinion conformed with the view of the Bank, as it was stated by my Honourable Friend the Member for London. But it is one thing to go into an inquiry to be commenced at so quiet a time as that of last year, and it is another to enter upon it at this period of the year, when, I am convinced, it cannot be completed, and no practical recommendation can proceed from it. On these grounds, therefore, I shall resist the inquiry. Then, Sir, at the close of his motion, the Honourable Member for Kilkenny suggests, as a fitting subject for inquiry, by a committee of the House, the general principle of action of the Bank; and whether the general constitution of the Bank of England, as it at present exists, is or is not likely to conduce to stability in the currency and confidence in the commercial transactions of the country?

With respect to an inquiry into the general principles of banking, — though I entertain the highest possible respect for committees of this House, so long as they confine themselves within their just and legitimate functions, yet I do not think that matters of finance can be very advantageously inquired into by such tribunals. As to the general principles of banking, I doubt very much whether the House or the public would ever receive so much information from the Report of the committee of this House, as from the writings of private men on subjects which they understand, and on which they write dispassionately, — and whose opinions are left to produce their effect on the public mind. Now, let one question be taken — (I do not mean to pronounce an opinion upon the matter, but I say it merely to test the power of any committee), — the extinction of all paper currency, except that issued by the Bank of England. To that, every other question is subordinate: it is the pivot on which the whole discussion concerning issues must turn. Now, suppose that question submitted to a select committee; I ask the House whether the public would derive as much information from the Report of that committee, as from the works of such men as Mr. Jones Loyd, Colonel Torrens, and Mr. Tooke, and others, whose writings have been canvassed by public opinion, and brought to the test of judgment and inquiry, and the truth of whose theories we have had opportunities of discovering by their application to practice? Are we not much more likely to profit by treating the discussion of such an inquiry as a matter of practical science, than by undertaking the examination of such a system before a committee of the House of Commons? I do not quarrel with the present discussion of the question, because important matters might be raised, which it might be advantageous to the Bank to take into consideration. There might be valuable suggestions thrown out, here, by practical men; but, even then, I should say that this is not a matter for discussion before a committee. Another question suggested by the speech of the Honourable Member for Kilkenny is, the severance of the issues of the banks from those of its branches. A very important question, and one to which I dare say the Bank has directed its attention. But I do not think its solution would be much forwarded by the appointment of a committee. Another question which the Honourable Member's speech

has raised, is, the propriety of the transactions entered into with the Bank of France. That is a very proper matter for the Bank itself to investigate; but I do not think that twenty-one Members would be likely to pursue the inquiry very attentively,—particularly in the month of July,—or arrive at any very practical results. I thought the Honourable Gentleman would have dwelt on the principle which regulates the government of that establishment, and which I consider of the highest importance. When I speak in the presence of two Honourable Friends who have filled the office of governor of the Bank, it is impossible that I can speak otherwise than with respect of the regulations of that establishment; but I certainly did expect my Honourable Friend would have alluded to the distinguishing characteristic of the Bank of France,—its permanence. I am a friend to the democratic, as well as to the monarchical and aristocratic part of our constitution; but I doubt very much whether the continued elections of the head or organ of that great banking establishment could be advantageous to the Bank itself, or to the stability of our financial affairs. The Honourable Member for Kilkenny may think the French principle the preferable one. Others may be of opinion that our own system is the best. But how is it possible to decide a matter of opinion by evidence before a committee? I have endeavoured to show what are the reasons for not granting this committee. I have but a very few words further to add, and those relate to incidental matters alluded to by Honourable Gentlemen who have taken part in the debate. The Honourable Member for Birmingham, in defending the Bank, dealt out no sparing measure of censure on some of the highest names that are connected with the finances and administration of the realm. It is not for the purpose of vindicating the reputation of these individuals, but in order to repudiate the principle involved in the Honourable Gentleman's statement,—which I have heard others besides the Honourable Gentleman use,—that I think it the bounden duty of those charged with the Government not to allow such assertions to pass unnoticed. The Honourable Gentlemen said that Lord Grenville behaved in a cruel and heard-hearted manner, by telling the directors of the Bank that he would not interfere with their concerns, and that they must mind their own business. This charge he has also stated against Mr. Huskisson. In other words, that very eminent person considered it the duty of the Government to interfere with the internal regulations of the Bank. Now, if the Honourable Member thinks that the Bank should be taught, when it gets into difficulty and danger, to rest on the Government for its extrication, and that the Government should urge it to issue 1*l.* notes, and make money abundant, with the understanding that the Government will come down with a Bank restriction, to save it from the consequence of such a proceeding, all I can say is, that if Mr. Huskisson and Lord Granville are to be reproved for such neglect of duty as he assumes to be involved in their refusal, the Honourable Member takes a very different view of the duty of a Government from that which I entertain; and he calls on Ministers to take a step that I cannot give the slightest hope that I shall ever assent to.

One word more, for the purpose of undeceiving the Honourable Member for Coventry and the public, with reference to a statement of his, on the important and delicate question of the Savings Banks. The Honourable Member said—(I am sure inconsiderately, and without meaning what his words implied)—that it is the duty of this House to do away with savings banks. The Honourable Member went on to say that the principle of such establishments is misapplied; and that persons derive a benefit from them, for whose advantage they were never intended. Well; suppose I were to admit to the Honourable Gentleman, that, in some instances, this may be the case,—although, by the limitation of the amount of deposit, it cannot go to any extent. I have before me the Returns contained in the last volume of statistical tables; and I find that, with respect to England, the number of depositors in savings banks altogether amount to 506,273; and that, amongst this great number of depositors, there are only 2936 who have above 200*l.* each in the savings bank. Now, is it not quite clear to the Honourable Gentleman, that the system of fraud of which he speaks cannot exist to any great degree, when, out of 506,000 depositors, only 2900 deposit the extreme amount allowed? It is perfectly clear that the Honourable Member is under some mistake. The Honourable Member for Kilkenny complains of the operation of the West India loan. I should never have been a party to that. The plan I had adopted, for paying off 5,000,000*l.* of that loan, was by creating stock, and transferring it to the parties according to their proportion. If that plan had been adopted with the remaining 15,000,000*l.*, we should have had no disturbance of the money market, but all would have gone on as quietly with respect to the 15,000,000*l.*, as it has done with respect to

the 5,000,000*l.* I ought not to be taxed with the consequences of the whole loan. Sir, I have shown that the proposed inquiry can produce no good, — that, as it involves the transactions of the last twenty years, an inquiry at this time, and limited to fourteen days, can produce no result. I cannot be expected to undertake the defence of the Bank of England, — there being others in the House far more competent to speak to that subject than I am. I do not say that the Bank, any more than any other institution, is infallible; the directors are liable to errors; but, assuming that Honourable Gentlemen connected with the Bank will speak to this point, I will merely take upon myself to say that no inquiry can be entered into, now, with any practical advantage; and I put it to Honourable Gentlemen connected with commerce generally, whether they believe that this inquiry could be entered upon, and left incomplete, without producing the greatest inconveniences to the public interests?

SIR JOHN RAE REID. — It is now, Sir, near ten o'clock, and four hours and a half have been consumed in this debate already; and I must say that I never passed that space of time more unpleasantly. Many complaints have been made against the Bank of England; — though I have been quite prepared, not only to hear these complaints, but to meet them. But, considering the quarter from whence they have arisen, I really feel less annoyed than otherwise I should have done, — than if these complaints had been made from any other source. I am quite sure the House will not wish me to go into details at this time of night; because, were I to do so, I should, in all probability, have to go back to a very distant period, and detain them for a very long time. But, at the same time, as complaints are made with reference to the circulation of the Bank, and as an Honourable Member has stated that to be the cause of the distress which exists, I have, here, an account of the circulation of Bank of England notes, — showing the average of six years, from 1833 to 1839, ending the 5th of April in each year, — which, with permission, I will now read to the House; and it is curious to observe the closeness with which the various amounts approximate to each other. On the 5th of April, 1833, the amount of circulation was 18,900,000*l.*; in 1834, it was 18,400,000*l.*; in 1835, it was 18,500,000*l.*; in 1836, it was 18,400,000*l.*; in 1837, 18,300,000*l.*; in 1838, the amount was 18,300,000*l.*; and in 1839, it was 18,400,000. Now, it really does appear to me (and I hope the House will think so also) that, seeing the nearness to which the circulation in each of these respective years approached the other, no complaints can be made on this particular score, as having been the cause of any overtrading. I take the average amount of circulation for thirteen weeks previous to the before-mentioned dates, from April, 1833, to April, 1839, in each year; and, without troubling the House by going into particulars, I must say that the difference is so small, that it is not worthy of notice; and that, with all the disposition to find fault, there is no opportunity for doing so. There is one observation which the Honourable Member for Kilkenny has taken the liberty of making, at which, I admit, I feel excessively annoyed. The Honourable Member said — and I took the Honourable Member's words down in writing to prevent any mistake — that the Bank directors, in the course they have pursued, have been actuated by motives of private interest. Now, I do, most unequivocally and respectfully, — but, at the same time, wishing the Honourable Member to feel what I say, — throw back that imputation with scorn.

[Cries of "Hear, hear!"]

Sir, at my time of life ——

[Laughter, and cries of "Hear, hear!" from the Ministerial benches.]

— and with the experience I have had; — yes, I will repeat it, — at my time of life, and with the experience I have had, and after living on terms of intimacy with twenty-four as honourable gentlemen as are to be found in this kingdom, I cannot allow any Honourable Member to make a statement of that sort, merely for the purpose of producing an effect in this House, or on the country, by asserting, for one moment, that any individual, out of the twenty-four, is, or has been, actuated by private motives in the performance of his public duty.

[Cries of "Hear, hear!"]

There is another remark which the Honourable Member has thought fit to make, and upon which I will take the liberty of setting him right again.

Sir, the Honourable Member said, that he had reason to believe that the bullion in the Bank of England amounted only to 3,000,000*l.* Now, this is not the fact. I do not intend to inform the Honourable Member what amount there really is there; but, as I said on a former occasion, during the year 1836, when great difficulties ex-

isted in the commercial world, and the Bank was considered in a difficult position also, that I then thought it only "a passing cloud,"— so I now repeat, that it is my firm conviction that the present difficulty, which obscures our bright commercial horizon, is no more than a passing cloud; and that the difficulty has not been produced by any act of the Bank, but by nothing, more or less, than the fact of the balance of trade being against us.

[Cries of "Hear, hear!"]

I know, on the other hand, as a merchant, — and I think I may say I have as good an opportunity of judging as most men, — that the trade of this country is improving. I know, also, that as exports take place, money will be returned; and I have no more doubt — no more anxiety — about seeing everything rectified, than I have of seeing the sun rise to-morrow.

[Cries of "Hear, hear!"]

The Honourable Member for Kilkenny made another inaccuracy in his statement of the circulation. He took it at the periods when the dividends were paid; but the Honourable Member's object ought to have been, to have taken the averages; instead of which, he committed a gross error, in having taken the amount at exactly the particular period which he ought not to have selected.

[Cries of "Hear, hear, hear!"]

After the very disgraceful discussion — I cannot help calling it so — which has taken place, I regret exceedingly that I should be one of a few, only, who have espoused the cause of the Bank directors; but, at the same time, I do not hesitate to say that the Bank of England directors are not, in any manner, or in any way, to be blamed. Nothing that the Bank has done should create this unkind feeling towards them; and I feel perfectly convinced and satisfied that, before you, Sir, leave that chair, — which, in all probability, you will be glad to do in a few weeks, — all will be right again. If, during the course of my remarks, I may have said anything that may have caused annoyance to the Honourable Member for Kilkenny, I am sorry for it; but as there was a probability of his observations going forth to the public, and causing an alarm, for which there is no ground whatever, I considered that, in my position as Governor of the Bank of England, I was called upon to mark my sense of the imputation which he had cast upon the directors of that establishment; and I am sure that every man competent to form a judgment of this important matter will confirm the view of the case which I have taken.

[Cries of "Hear, hear, hear!"]

Mr. GROTE. — I wish to say a few words, for the purpose of explaining the reasons on which I ground my opposition to the motion for inquiry made by my Honourable Friend. I am one of those who believe that a Committee of Inquiry would be attended with very salutary and valuable consequences; for I think there is much in the conduct of the Bank of England which provokes inquiry — much, for which the directors are really to blame; and a great deal more, for which they are censured, only because their conduct is not understood. In all these points of view, I think a committee would be useful; but, I cannot conceal from myself, that, at this period of the Session, there is no hope of prosecuting such an inquiry with the least chance of arriving at a satisfactory conclusion. If my Honourable Friend had brought forward his motion at an earlier period of the Session, I should have given him my best support to obtain the committee for which he now asks; for I cannot help thinking that all the experience which we have had of former committees, confirms the view of my Honourable Friend, and my own, as to the usefulness and instruction which the country derives from all such inquiries. I am quite sure that the committee of 1832 excited more discussion, and disseminated more sound and proper notions on the subject of the currency, than any writings or pamphlets could have effected; and, although I quite agree with the Right Honourable Gentleman the Chancellor of the Exchequer, as to the superiority of able pamphlets, and such works, for the purpose of deciding conflicting opinions on the currency, yet the Right Honourable Gentleman must recollect that there are a great many important documents, — a great many facts and statements, — which can only be brought out before a committee. Until the committee of 1832 sat, was there ever such a large body of facts, or so much concentrated evidence collected, on such matters, as would lead the public to a just conclusion on the subject of the currency and banking generally? Besides, the committee of 1832 was attended with this important result, — that it induced Mr. H. Palmer to lay down the principle according to which, in his opinion, the circulation of the Bank ought to be managed. That most important principle of manage-

ment has, I am sorry to say, been greatly and unwisely departed from, since; and one reason which would have induced me to support the nomination of a committee, if asked for in time, is, that the conduct of the Bank directors ought to be fully and fairly canvassed — to be subjected to blame where it deserves censure — and to be explained where a good reason can be assigned for its proceedings. My Honourable Friend has brought before the House a number of very valuable facts and statements, in the long speech which he has made, — particularly as regarded the maintenance of a uniform rate of interest by the Bank of France, contrasted with the proceedings, in this respect, of the Bank of England. It seems to me that nothing is more unreasonable than the maintenance of a uniform rate of interest. One of my complaints against the Bank is, that it tends too much towards an unfair rate of interest; and that it is unwilling to make use of that Bill, passed specially at its own instance, for the purpose of saving itself, when the safety of the currency requires such a step. My Honourable Friend thinks that the Bank has exhibited too great an anxiety to maintain large dividends by increasing the circulation. I really believe that the directors are not blameable to the extent charged against them; but I do believe that they do not apply themselves to the business of contracting the currency so early as they ought to do. It is very natural that the directors, being merchants, and interested, like all around them, in having the money market easy, should be prevented, by their sympathies, from checking the drain of gold at first, and should hesitate in proceeding with more harsh measures when they become necessary.

My Honourable Friend has also alluded to the fixed bargains made between the Bank and the country branches. I believe these bargains have the unhappy effect of depriving the Bank of that control over the circulation which it ought to enjoy; because, when called upon by the necessities of the country to contract the amount of circulation, the directors are restrained by these demands from the country banks, which they cannot resist. My Honourable Friend wishes to limit the business of the Bank to bills of exchange, and to exclude Exchequer bills and advances of money on stock. In this I cannot concur with him; for, if the security be equally good, it is perfectly immaterial what is its nature; but if my Honourable Friend could substantiate the charge that the circulation was increased beyond what it could fairly bear, in order to accommodate the Government, then I should assent to his views. But, *per se*, I think one security as little objectionable as the other. The continuance of the present drain illustrates, in a forcible and painful manner, the mischievous working of those corn laws to which the attention of Parliament has been so earnestly and recently called. I recollect that, in the observations which I addressed to the House, I dwelt particularly on the impending risks which then threatened the commercial world: I showed that a drain was perfectly inevitable, from the working of a system, pernicious in this as in every other respect. I know that there is a great difference between a wise and a badly managed system of banking; but I think that the Bank, and the joint stock banks, are much more largely blamed than they deserve, as being the causes of the commercial distress of the country. Once more, I regret that this motion has been made at so late a period of the Session; and I repeat that, had it been brought forward some months sooner, I should have given it my support.

Mr. WOLVERLY ATTWOOD. — The Honourable Baronet, the Governor of the Bank, has denied, with just and natural warmth, an imputation which he conceived to have been thrown out by the Honourable Member for Kilkenny (Mr. Hume) against the directors of the Bank, — namely, that they are influenced in their measures by a regard to their own personal and private interests. I must say that I believe he expressed the sentiments of the commercial community, generally, in declaring his conviction that the directors of the Bank are not fairly liable to any such charge; and that, whatever reason there may be for differing in opinion as to the policy or prudence of some of their proceedings, — at least, no ground has been shown for the allegation that their course has been guided by any motives of an unworthy nature. Nor can I concur in the somewhat vehement and indiscriminate censure which has been passed by the same Honourable Member upon the whole conduct of the directors, as evincing utter incompetence to the control of the responsibilities intrusted to their charge. I think that it will be found that the difficulties the Bank has been called on to encounter have been of a character so peculiar, that scarcely any prudence or sagacity would have been adequate successfully to contend with them. The directors are selected from the merchants of the metropolis; they are acquainted

with the interests, accustomed to the vicissitudes, and know the wants, of the class to which they belong; and may be deemed, therefore, as well qualified for the discharge of the functions attaching to their office, as any body of men upon whom such duties might have been, under ordinary circumstances, imposed. But, while not prepared to join the Honourable Member in unmeasured blame of the Bank of England, I cannot, on the other hand, participate in the animadversions made on him for submitting to the House the present resolution; although — the Chancellor of the Exchequer having declared his opposition to the appointment of the Committee of Inquiry proposed — I am not inclined to assume the responsibility of giving my support in opposition to that declaration, deeply impressed, however, though I may feel, with the conviction, that the statements which have been made, and the circumstances of the present period, as connected with the subject of the motion, urgently demand the attention of this House.

The objections made by the Chancellor of the Exchequer do not appear to me well founded; for he has assumed that the scanty attendance of Members, during the early part of the evening, afforded a proof that there exists an indisposition to enter into the consideration of the motion; and he has undertaken — rather, it may seem, unnecessarily — to explain and justify the distaste to the motion which he professes to have detected. Thus he excuses the apparent negligence which he imputes to the House, by saying that they are not indifferent to the importance of the subject, but disapprove of the form in which it is brought forward. It will surely be remembered that, if the importance of the questions which form the subject of debates are to be estimated by the number of Members present at particular periods of the discussion, some of the measures which have occupied the largest portion of our time, and have been the most warmly contested, will be adjudged to be of little moment indeed. I have been a constant attendant during the debates on the corn laws; and I well recollect that, on many such occasions, we have very nearly approached that limited number of Members, only, whose presence is absolutely required for the regularity of our proceedings. Yet it will not be argued, on this account, that the corn laws are not a subject of interest, both as regards its intrinsic importance, and the place which it fills in the judgment of the House and of the country. The Chancellor of the Exchequer is not, therefore, now justified in adducing the paucity of numerical attendance, for a proof of any indisposition towards the motion. If, indeed, he had attributed to the House the same want of confidence in the deliberations of Committees of Inquiry, which he has himself expressed so strongly, there might have been, perhaps, according to that view, a more just ground for maintaining that the House is not disposed to consider the motion because its object is a Committee of Inquiry; and that the experience which the House has had of such committees does not lead to the anticipation that any practical and beneficial result would be obtained from their investigations. This — the incompetency of Committees of Inquiry — is one main ground of objection urged by the Chancellor of the Exchequer to the present motion. But when the Chancellor of the Exchequer speaks in terms so disparaging of Committees of Inquiry, — when he urges that bodies, so constituted, are incapable of considering and deciding upon questions of the nature of that now under discussion, — does he forget, during the last twenty years, how many new and untried principles have been introduced into the legislature of the country, — principles affecting, in the most vital manner, the interests of our commerce and the welfare of our people, solely upon the authority of recommendations of such committees.

When, therefore, the Chancellor of the Exchequer speaks with such unqualified contempt of the weight and credit which is due to the Reports of committees, he surely can scarcely have reflected upon the extent to which the opinions he expresses are susceptible of being applied, or how strongly they convey a condemnation upon the manner in which the whole recent system of legislation has been adopted. But the Right Honourable Gentleman said that, instead of investigating questions in committees, Honourable Gentlemen are more likely to arrive at a correct conclusion, by studying, in their closets, the productions of authors who have given their minds to the consideration of the subjects on which information through such a committee is desired. Pamphlets and disquisitions of much ability have been written upon the very question now before the House; and from these the knowledge requisite to arrive at a just decision may, by a diligent perusal, be obtained. Has experience, then, shown that the study of pamphlets has proved successful in securing the attainment of the desired object? When the Right Honourable Gentleman recollects the opinions, so essentially opposite, which,

upon the very point now under discussion, —the system of the Bank of England, — have been advanced from the bench on which he now sits, by Gentlemen equally conversant with himself with the productions to which he now refers us, as guides in our search for truth, there may be some doubt as to the efficacy of the knowledge thus to be acquired from them. Without referring to less appropriate instances, it will be remembered that little more than ten years have elapsed since that Minister of the Crown, who is deemed the highest authority upon all points affecting commerce and finance, stated that "the privileges of the Bank were out of date,"—such was the strong expression employed; that they must be considerably circumscribed, if not entirely abolished; that the nature of our monetary system, and our increasing trade, called for the general establishment of joint stock banks, — institutions which would enable our transactions to be conducted with greater facility and improved security. And within the last two years we have heard the Right Honourable Gentleman the Chancellor of the Exchequer, himself, assure us that he considered that the privileges of the Bank, the stability which that body had derived from them, and the controlling influence it was thereby enabled to exercise, afforded the only means, which could be relied on, of preservation against the evil consequences that were to be apprehended from the operations of these very joint stock banks, originally established to give the security which they are now charged with having so greatly endangered. When doctrines so diametrically contrary are arrived at by this process of meditation and course of study which has been prescribed by the Chancellor of the Exchequer, it will not appear that his system is entitled to more satisfactory reputation, or that it has produced more successful results, than the Reports of the committees, which he appreciates so lightly. The fact is, that the errors of the Committees of Inquiry, — notorious and indisputable as these errors have been, both upon this subject and upon many others, and now so distinctly avowed by the Chancellor of the Exchequer,—and the mistakes of the statesmen who have, at various times, controlled our legislation,— have arisen from one and the same cause; the too ready adoption of the doctrines of political economy which are fashionable for the day, and the inconsiderate facility with which these doctrines are at once resorted to as the unerring principles upon which the regulation of our commerce and finances should be founded.

But the principal argument used by the Right Honourable Gentleman, to dissuade the House from the inquiry proposed was, that, at the present moment, such a proceeding might have the effect of producing distrust and danger, — of adding to the doubt and despondency which hang over the commercial world, — and of increasing the difficulties with which our productive interests are threatened. He even thought it necessary to express some apprehensions, lest this very discussion might tend to an unfavourable effect upon mercantile operations. It is then, indeed, admitted, avowed by the Chancellor of the Exchequer, that the state of our monetary system — the condition of our commercial interests — is so precarious, that the slightest agitation, such as may be caused by expressions, or arguments, or assertions, used unguardedly in this House, may lead to consequences of a most disastrous nature! Such is the critical character of our position, and such the hazard to which we are exposed, that the Chancellor of the Exchequer deprecates any discussion upon the subject, lest an evil effect may be produced on the public mind. Why, as regards the effects of a debate in the House of Commons upon the public mind,—in what manner does a debate come before the public? and what is its operation? It is nothing more than a series of articles inserted in a newspaper; such is the shape in which debates are presented to the public. They can have no other effect than would be accomplished by any series of articles proceeding from any other quarter upon the same subject; and the consequences which the Chancellor of the Exchequer apprehends from this discussion, might equally well be produced by observations that might appear in the newspapers of the day, or in those pamphlets and publications to which he has referred as the proper source of information and knowledge. And this is the description given by the Chancellor of the Exchequer of the contingencies to which our commercial interests are liable, and of the sufferings which may ensue, from any remarks or discussion of any nature in Parliament, or out of Parliament, upon the hazardous position in which we are placed.

Under such circumstances, is it not fit that the House of Commons should consider and investigate the nature and the causes of the perils threatened? Ought not the House to examine them prudently, but fearlessly, that we may be prepared, if possible, to guard against the evils im-

pending over the country, or to deal with any difficulties that may arise? Or should we, the Members of the House, rather avert our faces from the contemplation of the dangers with which the Chancellor of the Exchequer says the country is threatened, and wait in fearful anxiety, hoping that the dark cloud hanging over us may pass by without discharging the evils with which it is pregnant? While these questions excite the fears and agitate the minds of the whole country, — while they are the objects of anxious discussion in every newspaper, — would the Chancellor of the Exchequer have the House of Commons remain silent and uninformed, without the opportunity of considering and deliberating upon circumstances of so important a character, and upon which we may be called upon so speedily to legislate? Such, however, is the ground upon which the Chancellor of the Exchequer deprecates discussion, — that affairs are in a situation of so much danger and uncertainty, that the worst consequences may be produced by any deliberation upon them in this House, or even by articles or observations in the journals of the day. And under these circumstances, with these contingencies before us, the Chancellor of the Exchequer warns the House that no relief is to be expected, in any case, from the Government; that no aid will be afforded, whatever the necessity may be. It is, then, the more urgent that this House should understand the nature of the difficulties which at present exist, and the further danger to be apprehended. As regards the Bank of England, the point of pressure is the stock of bullion; and the danger which the Chancellor of the Exchequer has alluded to, is the possibility that the bullion in store may not be adequate to meet the demand which is taking place. In order to check that demand, decided measures have been adopted by the Bank, with a view to the contraction of the issues; and these measures — reducing the amount of money in circulation, and narrowing the accommodation which can be obtained by those engaged in commercial transactions — have already occasioned much inconvenience and alarm. When the state of the commercial interests is treated of, in this House, general terms are usually adopted to describe any evils under which they may suffer; and the House is scarcely made aware of the real practical nature of the difficulties that are sustained, or the extent and operation of the pressure to which the productive classes are, consequently, subjected. The phrase of "a passing cloud" was, on a former occasion, applied by my Honourable Friend the Governor of the Bank to one of the periods of severe embarrassment which have been witnessed; and the prevalent idea appeared to be, that a commercial crisis did, in fact, approach and pass away, without being capable of control in its course, or mitigation in its effects, — and the calamitous nature of the effects of which, did not seem to be fully understood. What is, however, the operation of the contraction of the issues of the Bank of England upon commerce? I shall read an extract from a publication which has been frequently and deservedly quoted as a high authority in this House, and which is devoted expressly and solely to the collection and communication of intelligence upon the state of commercial affairs, and the circumstances by which they are influenced: — I mean the *Bankers' Circular*. On the 21st of June, then, the *Bankers' Circular* stated that, after making very diligent inquiry as to facts connected with the state of business in the city, it was ascertained, with reference to the movements of the Bank of England, "that the Bank would freely discount bills, except such as came through the medium of joint stock banks, or speculators in corn and cotton. These commodities, as well as colonial produce, are marked for reduction in value." Now, I ask the House to consider the import of these words, and the sentence which they convey upon all those who are interested in the important commodities named.

SIR JOHN REID. — The publication referred to is in error as to the restriction stated to have been imposed by the Bank on dealers in corn and cotton, — as no distinction is made between their bills and those of any other parties.

Mr. W. ATTWOOD. — I am glad to understand from my Honourable Friend that no such invidious distinction, as that represented, has been made by the Bank of England, between dealers in one commodity and in another; but that all are treated precisely in the same manner. The impression that such a distinction is made has been very general in commercial circles; statements to this effect have repeatedly appeared in the public journals; and it is very satisfactory that this decided repudiation of a measure which would have been so unjust, should have been given by the Governor of the Bank of England; and I trust that contradiction will become universally known, and will remove the erroneous ideas that have be-

come so common upon this point. The proceedings of the Bank of England, then, in contracting the accommodation given to merchants, in order to effect that reduction of prices which is requisite to check the exportation of gold, are directed upon all commodities equally. What is the manner in which these proceedings affect the merchants and the productive interests? Every man who holds a stock of any goods or articles, large or small, is given to understand, by this announcement, that measures are in progress which must inevitably lower the value of his property 10, 15, 20, or 25 per cent., according to the exigencies of the case. His engagements and obligations remain undiminished in their extent,— his bills must be provided for, his debts must be paid, and his means of meeting these demands upon him are to be subjected to this fearful loss. Is not this a process of an oppressive nature? And what must be the effect upon the manufacturers and the labouring population? Yet the necessity of the case — the urgency of stopping the demand for bullion — compels the Bank to resort to, and persist in, the determination to lower all prices. As a further stop to the accomplishment of this object, the rule has been adopted, with reference to joint stock banks, by the Bank of England, which I have quoted from the *Bankers' Circular*. No bill of exchange, however respectable the parties by whom it is drawn, whatever the solidity of those by whom it is accepted, will be discounted by the Bank *of* England, if the bill bears upon it the marks of having passed through the hands of the joint stock bank. The joint stock banks have been charged with having encouraged speculation; and this interdict has been imposed with a view of limiting the resources at their disposal. This is a measure of a strong character; and I call upon the House to consider how great must have been the necessity which urged the Bank to adopt it, when you regard the position of the Bank of England in relation to the joint stock banks. These institutions are looked upon generally as competitors and rivals of the Bank of England, — as bodies which, when the charter shall expire, will be prepared to contend for the possession of those particular branches of business which, hitherto, the Bank of England has exclusively enjoyed. When, therefore, the directors of the Bank resolved on the rule that they would not discount the bills which had passed through the hands of a joint stock bank, it was certain that the regulation would be charged with having originated in a spirit of jealous hostility. I am, indeed, satisfied that this was not the feeling which occasioned this restriction; but that it was imposed, solely, as a measure calculated to compel the contracting accommodations throughout the country, in order to stop the exportation of bullion. The Bank was forced to take another step of an extreme character; and,—for the first time, in commercial transactions — the rate of interest was raised to 5½ per cent.; and it was expected, or at least feared, that a still higher rate would be demanded. Never before, in mercantile affairs, has a rate beyond 5 per cent. been demanded or paid, without loss of character on the part both of borrower and lender.

Are not these facts strongly illustrative of the severe difficulties to which our commercial interests are subjected? and do they not demand the serious consideration of the House? But the Chancellor of the Exchequer says there is no occasion to discuss this question now; because, in 1842, the renewal of the Bank charter must be considered and decided upon. With a subject of such magnitude before the House, upon which a final decision must be taken, and on which we must legislate practically, permanently, and comprehensively, in 1842, is it, then, so premature that some notice should be taken, in 1839, of circumstances that must influence our ultimate judgment? I should rather have expected that the Government would have been desirous of preparing the House to legislate upon the question of the Bank charter with satisfaction and confidence, by supplying previous information, and promoting preliminary inquiry. There is, indeed, much cause for surprise, that, even up to this late period of the Session, no measure has been proposed by the Government for the proper regulation of several points connected with joint stock banks, which require the interference of Parliament; and which are novel, complicated, and must be treated with delicacy, — but with decision. One of the most material of those points is, the responsibility of the proprietors to the public. For the security of the public, it has been provided that the proprietors shall be enrolled at the Stamp Office; and there, any person desirous to ascertain the character of the proprietary, in order to satisfy himself of the credit to which any particular bank may be entitled, may inspect the names. But a case has recently occurred of a joint stock bank which was compelled to suspend its payments; and when the creditors made application to the parties, whose names were

registered in due form at the Stamp Office as proprietors of the Bank, those parties denied that they were proprietors, and repudiated all liability. The fact appeared to be, that these gentlemen had applied for shares in the bank, — that shares had been allotted to them, — but that they had never accepted, claimed, or made any payment upon the shares so apportioned. Nevertheless, their names were transmitted to the Stamp Office as proprietors, and they were so enrolled. Whether the creditors have any legal claim in this case, I cannot undertake to say; but it is clear that some modification of the law is called for, to secure the accuracy of the lists of proprietors registered at the Stamp Office, — or the creditors may be left, in many cases, without security or redress. Penalties upon the secretaries or the officers may, perhaps, be inflicted by the present law; but these penalties can afford little satisfaction or consolation to the creditors. Unless the law be rendered sufficiently perfect to guard against abuses similar to this which I have described, such an occurrence, at any time of general pecuniary difficulty and discredit, may have the effect of creating a prejudice against all establishments of this nature, the consequence of which may be highly injurious.

Other evils and anomalies have been adverted to by committees of this House, whose inquiries have been directed to the operation of the joint stock banking system, and have detected various features calling for observation and control. I refer to these subjects, — not with the idea of casting any imputation on the character of joint stock banks, many of which afford, from their capital and character, the most complete guarantees. But it is, in fact, impossible that associations for carrying on the business of banking should be introduced for the first time in England, and that the law which has sanctioned their formation should, at once, provide for all the contingencies which their practical action may create or present. When new principles are applied to the conduct of the internal transactions of a country, it is essential that the Government should maintain a strict inspection upon their progress, and should be prepared, from time to time, to impose such new regulations as the changes that have been made in the course of their operation, shall show to be required, — so as to give their useful principles full development, and to assure their successful and beneficial continuance. As an instance of the caution requisite in the introduction of such alterations, and the disappointment which the neglect of it sometimes occasions, I will refer to a new and important arrangement, which was established some years ago, and which was deemed, at the time, to have been one of the greatest improvements that could have been suggested, and from which very advantageous effects were predicted, — I mean the regular and periodical publication of the accounts of the Bank of England, of the amount of their circulation and deposits, and of the securities and bullion. It was maintained that the compulsory publicity of these particulars would supply an effectual security against any mismanagement on the part of the Bank of England; and would afford a certain protection against any inducement to an impolitic enlargement of the issues at one time, and against the necessity of any violent measures of contraction at another. Has this security against fluctuations in the circulation been obtained? and has the result justified these expectations? I will appeal to the Chancellor of the Exchequer, and to the directors of the Bank of England, whether the publication of these statements has not been productive of more inconvenience than benefit? and whether there is not reason to regret that the opinion expressed before the Bank Charter Committee, by one of the most influential, as well as one of the most able and sagacious witnesses examined, has not been followed? I allude to no speculative writers of pamphlets, but to Mr. Rothschild, the highest practical authority in this kingdom. That gentleman was questioned repeatedly by the committee upon the policy of adopting the principle of publicity with regard to the accounts of the bullion and the issues of the Bank, and was pressed very hard to give his sanction to that principle. And what was the opinion he expressed? He said, that there might, perhaps, be no harm in publishing such accounts when the Bank had in their coffers 10,000,000*l.* of bullion; but that he should be very sorry, if he were a director of the Bank, to make such publication, when the amount of the treasure was below 5,000,000*l.*, and should be afraid of stopping payment, unless he had in his pocket a paper signed by the Government, authorising him to withhold any further issue of bullion. Such was the reply of Mr. Rothschild in answer to the questions addressed to him upon this essential feature of our present monetary regulations; and I believe that experience has fully confirmed the justice of these views.

The final objection raised against the motion of the Honourable Member for Kilkenny is, that it includes a long period,

— from the year 1825 to the present time; and, therefore, that the investigation of the committee, if appointed, would be extensive and protracted. If there are grounds for inquiry, at all, into the conduct of the Bank directors, that inquiry must necessarily apply to the term of years proposed by the Honourable Member for Kilkenny; and I do not perceive how a more limited range could be designated. It must be recollected that, from the commencement of this series of years, the Legislature has adopted, year by year, new measures and regulations intended to affect various branches of our commercial interests, — and particularly those connected with our monetary system, — with the express and avowed object of placing that system upon a more secure and permanent footing, and especially of preventing those fluctuations which are so detrimental to the development of our industry. The 1*l.* notes of the country banks and of the Bank of England have been abolished; the privileges of the Bank of England have been retrenched; and the establishment of joint stock banks admitted and encouraged; the usury laws have been evaded; and, lastly, that measure has been adopted, which it was fondly hoped and confidently promised would prove the most effective of all, — the making Bank notes a legal tender from all parties but the Bank of England. Notwithstanding all these precautions, the fluctuations have continued as wide in their range, and as mischievous in their consequences, as before. Is it not reasonable, then, for the Honourable Member for Kilkenny to conclude, that when so many measures have been adopted to accomplish the object so much desired, with such confident assurance of their efficacy, and when all have proved futile, their failure must be attributed to some misconduct on the part of the directors of the Bank, which has neutralised the influence of these ingenious contrivances? I do not concur with the Honourable Member in that view; but I must say, I cannot think the Honourable Member unreasonable in adopting it, and I do consider that all these circumstances are of a character fit to be submitted to the deep and serious deliberation of the House. It may not, perhaps, be considered expedient to adopt the resolution proposed; but it is desirable that the state of our commercial interests should be brought fully and fairly forward, that it should be closely investigated and calmly weighed; and I trust that the House — having their attention now directed to the important questions connected with the consideration of the present motion — will be prepared, at a future period, to enter upon their examination; with the firm determination to adopt such measures as may give to our commerce and finances that confidence and security, the absence of which is now deplored, and which are so essential for the prosperity and the power of the country.

The CHANCELLOR of the EXCHEQUER. — When I stated my opinion that discussions upon financial theories could be much more satisfactorily carried on in scientific works than by committees of the House of Commons, I made the distinction between inquiries into matters of fact and the discussion of theoretic principles. With all respect for committees of the House of Commons, I do not think that they form the very best arena for discussing and deciding upon matters of principle or theory, although I hold them to afford the best means of inquiring into facts.

Mr. T. ATTWOOD. — I hope the Right Honourable Gentleman will be, at all times, prepared to act upon that principle.

Mr. CLAY. — The subject has been so exhausted by the Honourable Member who has just sat down, that it will be unnecessary for me to trespass long on the attention of the House; but I wish just to state my reasons why I cannot support the motion of the Honourable Member for Kilkenny. I disclaim all intention of attributing any misconduct to the directors of the Bank of England; but I do think that, within the period comprised in the motion, there can be no doubt existing on the mind of any man who has given much attention to such subjects, that they have been greatly mistaken in the management of the currency, — though, perhaps, not to so great an extent as was stated by the Honourable Mover. To recur, for instance, to one memorable period, — I cannot conceive that there is, now, any doubt that they exceedingly misunderstood their own position, and the aspect of affairs, in the year 1824, and the early part of 1825. Again, in the year 1836, I think they did not, at a sufficiently early period, take warning by the signs of the times. They also, in the same year, committed a great oversight in those fixed bargains which they made with the joint stock banks. I am the more inclined to notice this point, because it is one to which I, myself, on moving for a Committee on Joint Stock Banks, in 1836, particularly called the attention of the House. So, again, during the past and present year,

the existence of the demand for foreign corn was not sufficiently regarded by them. But it is because I think these matters are already sufficiently known, that I consider the motion of my Honourable Friend unnecessary,—especially when he has told us that it is not his intention to call any witnesses. I think the errors of the Bank of England are attributable to the incompatible functions it has to discharge. It is impossible that one and the same body can act as bankers and as conservators of the currency of the country. On the one hand, they have to consult the interests of the proprietors; and, on the other, the interests of the public. Now, it is impossible that the two interests can coincide. They are almost necessarily opposed to each other. On the other hand, it is often the interest of the public that the currency shall not be extended; while it is invariably the interest of the proprietors that it shall be. Again, as men of business, and as merchants sympathising with the interests of the commercial body to which they belong, it is almost impossible that they can properly and conscientiously discharge their functions as conservators of the country; because, when it is proper for the public interest that they should contract the circulation, there is almost always an absolute demand upon them to enlarge it. My Honourable Friend has stated the inconvenience arising from the conduct of the Bank, but he has not indicated a remedy. I, therefore, on the whole, concur with the Chancellor of the Exchequer, —that little good can possibly result from the appointment of a committee of this nature, particularly at so late a period of the Session. I think the judgment of the public on these matters is, at length, taking a right direction. I believe that the opinion of the public at large is, that the charge of the currency is too vast and too important to be confided to any body of men, whether corporate or joint stock banks. I believe that the public are beginning to feel that a function so important as that of taking charge of the currency — on the right fulfilment of which, not only the prosperity of the country at large, but the fortunes of every individual, it may be said, are, in a high degree, dependent — ought not to be left to any men, or body of men, but ought to be under the control of the supreme authorities. Whatever benefit or advantage there may be accruing from the substitution of paper for gold, as a currency, ought to belong to the people. When the time shall come for discussing the question of the renewal of the Bank charter, I trust it will be perceived that it is out of the power of the Bank of England properly to take charge of the currency; but that it is equally out of the power of either private or joint stock banks to exercise any salutary influence or control over it.

Mr. EASTHOPE. — I will only occupy for a short period the time of the House, after its attention has been so long devoted to the discussion of the motion of my Honourable Friend, and after the natural impatience which has been expressed by the Chancellor of the Exchequer to proceed to the other business of the night; still, I cannot suffer this question to pass, without making one or two observations upon it. I shall make no professions in the way of eulogising the directors of the Bank; nor shall I follow the example of the Honourable Member for Birmingham, in arraigning them as the authors of the sufferings experienced by some individuals, — sufferings of the most extreme and aggravated character that it is possible to describe. The Honourable Member thought proper to notice a smile into which I was betrayed. If that Honourable Gentleman was not conscious of any other cause that could excite a smile, than the woes and sufferings which he depicted and deplored, then I must, at once, own my disinclination to supply him with what I should certainly have thought was a more obvious and intelligible cause. I deeply lament that a question, which ought to be regarded apart from all personal considerations, should almost always be mixed up, not only with expressions of great apprehension of the conduct pursued on the part of the Bank directors, but with feelings of injustice towards them, and with imputations upon them that are most undeserved. So far as my knowledge of those gentlemen goes, I do not think there could be found, in the city of London, a like number of men who would more honestly discharge the duties that might devolve upon them. For my own part, the objections I entertain are not, at all, against the personal conduct of the Bank directors, but against the system of the Bank. To that system I am most decidedly opposed. I consider the directors to be placed in a most anomalous situation. I hope it will not be long before I shall have the satisfaction of hearing that even the Bank directors, themselves, refuse to continue in a position in which it is impossible that they can discharge their duty to the Bank proprietors with justice, and their duty to the public with safety. I have always

considered that the Bank directors ought to be only bankers,—that, so, they might be able to do their duty to the proprietors by all fair means, and realise the greatest profits they can by fidelity and diligence. But they are placed in a situation which often requires them to overlook and to oppose those interests, — they are placed in a situation in which they are frequently called upon to make great sacrifices. Is it wonderful, then, I ask, that, pressed as they are by the individuals by whom they are surrounded, — by the desire to promote the interests of the proprietors, —by the knowledge of, and the regard they entertain for, those men with whom they co-operate every day, — they should be led to mistake or overlook the great public duty imposed upon them — that of regulating, faithfully and properly, the currency of the country? I believe that the time is approaching, when, as my Honourable Friend the Member for the Tower Hamlets (Mr. Clay) stated, the country will begin to feel and to understand the effects of the hot and cold fits to which it is every now and then subject, and the true causes of the sufferings which have been so strongly described by the Honourable Member for Birmingham (Mr. T. Attwood), but which causes seem to be so little understood by that Honourable Member. I am anxious to see all such debates as the present take a practical turn; and I trust that they will lead Honourable Members to inquire into the manner in which the state and condition of the Bank are communicated to the public. I would ask whether this is now done in that practical form which is calculated to produce the greatest amount of public good?

The Honourable Member for Greenwich (Mr. W. Attwood) referred to the opinion of a gentleman distinguished for his general keenness, and for his extraordinary sagacity in money transactions, and who strongly objected to the plan of a clear and faithful publication of the condition of the Bank. Can you doubt, however, that Mr. Rothschild had always certain and quick information on the subject, not necessarily from any corrupt method of obtaining it, but from his innate shrewdness, his intelligence, and his attention? Who can doubt his habitual knowledge of the actual quantity of gold in the Bank? And is there any doubt that he regulated his commercial transactions and the business of his office by that knowledge, which it is competent for such a man to learn? Every man of industry and care ought to have an opportunity of knowing and of regulating his own business by the same means. I wish to see every merchant, who would take the pains, enabled to watch the amount of the bullion in the Bank as easily as he would the time by the clock. Mr. Rothschild did so, and he succeeded. How many individuals are there, with fair intelligence, and possessing faculties and facilities which ought to make them successful, who, by overlooking this sort of information, have been brought to ruin? Is the present system of publicity one which the public can understand without a great degree of attention and sagacity, not ordinarily found at the Royal Exchange? I believe not. If there is to be any useful publicity, ought not the communications you make to be as plain as possible, so as to enable all to understand them, as well as a person of the extraordinary acumen which characterised Mr. Rothschild? I hope that, even before the year 1842, if the House should come to an agreement as to the inadequacy of the present *hocus pocus* system of a three months' average publication for public security,—if you see that it is calculated to mislead a man of but ordinary sagacity — that its mystery excites fear and apprehension, instead of inducing care and vigilance;—if such should be the general opinion,—I do hope the Bank will offer no objection to the adoption of a plan so clear and so simple that any merchant might understand it as constantly and readily as he would learn the hour of the day.

With regard to the expansion and the contraction of the currency, the Honourable Member for London (Mr. Grote) has, I believe, explained this in a manner which admits of no refutation. No doubt, the Bank directors, even in the steps of contraction they have recently taken, have had many struggles and much conflict to encounter before they came to that decision. How often has the country suffered from such delays? I do not impute them to the prevalence of any practices of corruption; but such a state of things is the natural consequence of the feelings which beset men situated as the directors are. The regulation of the currency ought to be intrusted to men who have nothing else to do; the managers of the currency ought to have no other duty to discharge, — they ought to be responsible to the public, and to the public alone; and I hope that the time will shortly arrive, when it will be found impossible to invest, with the control of the currency, persons engaged in any other business, however competent they may be to discharge the duty. The present functions of a Bank director are incompatible: the Bank of England cannot, with security to great public interests, be at once a bank of issue and a bank of

deposit. The more frequently this subject is discussed,—the oftener it is submitted to the test of inquiry,—the sooner will the House arrive at a sound conclusion: the discussion itself would lead to great public good; and the evils, inflicted by the inconsistency I speak of on the country, would be removed. The object of my Honourable Friend the Member for Kilkenny is, to invite inquiry. If my Honourable Friend press his motion to a division, I shall feel it to be my duty to vote with him, although I concur in thinking that the short period of the Session now remaining will scarcely furnish time sufficient for a full and fair inquiry. I venture to suggest that my Honourable Friend should look rather to inquiry at an early period of the next Session; and, then, so frame his motion that everything that surrounds the question shall be closely examined,—that the sufferings of the people from this source shall no longer be permitted to endure,—which I can scarcely anticipate, until the House of Commons shall come to the consideration of the question with all that solemnity which the subject demands.

I cannot sit down without referring to the opinion of the Governor of the Bank of England, that the cloud which now lowers over us is but temporary. I hope, sincerely, that such may be the case. It is certainly true, however, that this cannot be, till the price of commodities is reduced to such a level as to bring back the gold. Whether the Governor of the Bank is in possession of any peculiar knowledge upon this point, I cannot tell; but I hail the expression of his hope of returning security with the greatest pleasure. The prices of commodities must, however, be first reduced by the conduct of the governor and his colleagues to a limit that shall bring foreign purchasers to our market; and this reduction must be made, whatever individual suffering it may create, and whatever the consequence of it to innocent parties may be. I am sure that this is not a situation in which the directors of the Bank would wish to be; and I hope, therefore, to see the day when these gentlemen, themselves, will seek to be relieved from the anomalous position in which they are now placed.

Mr. W. TURNER.—I was not, before, aware that there was any great body in this country to whom the Bank would not grant money on any terms. I did not know that an engine of such great injustice to any certain persons existed. This fact, alone, supplies a good reason for inquiry; although not now, because it is too late in the Session to produce by inquiry any practical results. I do not think that the Bank of England ought to have the right to single out any portion of the public, and to withdraw from it fair assistance: at the proper time, therefore, I shall vote for inquiry.

Mr. WALLACE.—I shall vote, with great satisfaction, with the Honourable Member for Kilkenny, if he press his motion to a division; and the more readily, because he has already brought it forward during two Sessions, and it seems never to be thought the right time. It is the fashion to endeavour to throw personality into these discussions, when it is nothing but the system that is attacked; and I think that the House has heard sufficient, this night, to determine that it is not attacked without good grounds. The Board of Directors is composed of twenty-four eminent merchants of the city of London; and is it not their duty to trade profitably? When we look at what has taken place during the last six months, can it be said that the firms of which they are members are not surrounded with difficulties? They are great sellers and holders of foreign securities; they are general merchants as well as being Bank directors; and they are neither better men than others, nor are they placed in different circumstances. With respect to the Bank question, I will plead the "general issue." I will go into no particular point; the system is wrong from one end to the other, and there ought to be inquiry. I think that, during the next three or four weeks that the House may sit, such a case will be made out as will induce the Government to place the currency in a sound state. I opposed the renewal of the Bank charter, or, at any rate, I moved that it should be reconsidered by Parliament; at an earlier period than 1842, that there should be a breach in the term; and if this breach had been made, the country would not be in its present state.

The House then divided: — Ayes 93; Noes 29; — Majority 64.

AYES.

Adam, Admiral	Burroughes, H. N.
Ainsworth, P.	Cave, R. O.
Attwood, W.	Clay, W.
Baines, E.	Clerk, Sir G.
Baring, F. T.	Courtenay, P.
Beamish, F. B.	Currie, R.
Berkeley, Hon. C.	Dalmeny, Lord
Bernal, R.	Darby, G.
Blackstone, W. S.	Douglas, Sir C. E.
Blair, J.	Eaton, R. J.
Bridgeman, H.	Egerton, Sir P.
Broadley, H.	Ferguson, Sir R. A.
Brodie, W. B.	Filmer, Sir E.
Brotherton, J.	Fremantle, J. W.
Bruges, W. H. L.	Freshfield, J. W.

Gordon, R.	Pease, J.
Graham, Rt. Hon. Sir J.	Peel, Rt. Hon. Sir R.
Greene, T.	Pendarves, E. W. W.
Grey, Rt. Hon. Sir G.	Pigot, D. R.
Grimsditch, T.	Power, James
Herries, Rt. Hon. J.C.	Praed, W. T.
Hinde, J. H.	Pryme, G.
Hindley, C.	Reid, Sir J. R.
Hobhouse, Right Hon. Sir J.	Rice, E. R.
Hodgson, R.	Rice, Rt. Hon. T. S.
Hogg, J. W.	Roche, W.
Hoskins, K.	Russell, Lord J.
Hotham, Lord	Rutherfurd, Rt. Hn. A.
Howard, F. J.	Shaw, Rt. Hon. F.
Hughes, W. B.	Sibthorp, Colonel
Hutton, R.	Smith, J. A.
Ingestre, Lord Visct.	Spencer, Hon. F.
Inglis, Sir R. H.	Stewart, James
Kemble, H.	Stuart, W. V.
Knightley, Sir C.	Stock, Dr.
Lushington, Rt. Hn. S.	Style, Sir C.
Mahon, Lord Viscount	Talbot, C. R. M.
Maidmay, P. St. John	Tennent, J. E.
Morpeth, Lord Visct.	Thomson, Rt. Hon. C. P.
Morris, D.	Troubridge, Sir E. T.
O'Ferrall, R. M.	Warburton, H.
Ossulston, Lord	White, A.
Palmer, G.	Wilbraham, G.
Parker, J.	Williams, W. A.
Parker, M.	Wyndham, W.
Parker, R. T.	*Tellers.*
Parnell, Rt. Hon. Sir H.	Stanley, E. J.
Pattison, J.	Steuart, R.

NOES.

Aglionby, H. A.	Redington, T. N.
Attwood, T.	Roche, E. B.
Blake, M. J.	Salwey, Colonel
Chalmers, P.	Scholefield, J.
Darlington, Earl of	Sinclair, Sir G.
Duke, Sir J.	Somerville, Sir W. M.
Easthope, J.	Thornely, T.
Ewart, W.	Turner, E.
Fielden, J.	Turner, W.
Finch, F.	Vigors, N. A.
Hector, C. J.	Williams, W.
Jervis, S.	Wood, G. W.
Langdale, Hon. C.	
Marsland, H.	*Tellers.*
Muskett, G. A.	Hume, J.
O'Brien, W. S.	Wallace, R.
Philips, M.	

Upon the question being again put,—

COLONEL SIBTHORP said:—I have a notice of motion on the paper, upon the subject of the duty on fire insurances, which will, in all probability, occupy some time in discussing. I am, however, quite prepared to proceed with it, if this be agreeable to the House.

The CHANCELLOR of the EXCHEQUER.—I have no wish to throw any obstacle in the way of the motion of the Honourable and Gallant Member; but at this late hour, and after the lengthened discussion which has just terminated, I think it would be better to postpone the motion till a future opportunity. I shall have no objection to postpone some of the votes till a future day, in order to allow the Honourable and Gallant Member a full opportunity to bring the subject of the duties on fire insurances under the consideration of the House.

SIR R. PEEL.—I doubt whether full justice would be done to the motion of the Honourable and Gallant Member, if his motion were brought on at so late a period of the night; and I would submit to him whether it would not be better to postpone it till a future opportunity? At the same time, it is but fair to confess that I have some personal interest in the postponement of the Honourable and Gallant Gentleman's motion, as I am very desirous to take a vote for the British Museum in Committee of Supply.

COLONEL SIBTHORP.—I am always ready to take advice when it comes from this side of the House. I am, therefore, perfectly willing to adopt the suggestion of the Right Honourable Baronet, and will postpone my motion till a future opportunity.

Main question put, and agreed to; order for committee read; miscellaneous estimates and British Museum estimate referred; House resolved itself into committee.

Resolution proposed, "That a sum, not exceeding 77,000*l.*, be granted for defraying the expenses of the two Houses of Parliament."

Mr. HUME.—I object to the vote, because there is no detailed account given of the salaries of the different officers of either House.

The CHANCELLOR of the EXCHEQUER.—No detailed account can be given of the salaries of the officers of the other House of Parliament; and I think it would be highly inconvenient if this House were to interfere with the proceedings of the House of Lords in matters of this description.

Mr. HUME.—I contend that we ought not to vote money without knowing how it is expended; and I shall not, therefore, give my assent to this vote.

Mr. AGLIONBY.—I think we have a right to know how the money is expended,

although it may not be proper to interfere with the House of Lords.

Agreed to.

"That a sum, not exceeding 48,000*l.*, be granted, for defraying salaries, contingencies, &c. of her Majesty's Treasury." — Agreed to.

"That a sum, not exceeding 19,580*l.*, for defraying the salaries and expenses in the office of her Majesty's Secretary for the Home Department." — Agreed to.

"That a sum, not exceeding 56,117*l.*, for defraying the salaries and expenses in the office of her Majesty's Secretary for Foreign Affairs." — Agreed to.

"That a sum, not exceeding 17,678*l.*, for defraying the salaries and expenses in the office of her Majesty's Secretary of State for the Colonies." — Agreed to.

"That a sum, not exceeding 24,000*l.*, for defraying the expenses of her Majesty's Honourable Privy Council." — Agreed to.

"That a sum, not exceeding 35,755*l.*, for defraying the expenses, &c. of her Majesty's state offices." — Agreed to.

"That a sum, not exceeding 17,520*l.*, for defraying the salaries and contingencies in the department of the Comptroller General of the Exchequer, the Paymaster of Exchequer bills, &c." — Agreed to.

SIR R. PEEL. — Sir, I now rise to move the usual grant of 28,839*l.* for the support of the British Museum. In doing this, I beg to state that several arrangements have been made, by which a considerable reduction of the expenses of the establishment has been effected. At the same time, a corresponding reduction of 35 per cent. has been made in the prices charged for the casts of marbles. It has been suggested that an annual account should be given of the additions made to the collection of books, prints, and articles of curiosity; and, upon consulting the trustees and other officers, I find that there will be no difficulty in its being rendered, or in an account being given of the purchases made.

On the question being put, "That 28,839*l.* be granted for defraying the charges of the British Museum," —

Mr. WYSE said: — I wish to ask the Right Honourable Baronet whether arrangements have been made for the free inspection of casts by the public? There is a great demand in the public mind for access to these casts, and for the possession of duplicates of them. I think, therefore, it would be very desirable that some provision should be made to meet this demand.

SIR ROBERT PEEL. — There can be no doubt that it is most important that the fac-similes of the various works of art in the Museum should be multiplied as far as possible. The trustees do not desire to procure any profit from the sale of these casts; but at the same time they do not think that they are justified in throwing away the public money, by disposing of the casts at a less price than they cost.

Mr. WARBURTON. — I beg to ask whether any arrangement has been made towards purchasing the collection of organic remains made by Mr. Hawkins?

SIR ROBERT PEEL. — The committee will recollect that, on the 19th of March last, a Treasury minute was laid on the table of the House, stating that an estimate had been prepared for the purchase of Dr. Mantell's collection; the question respecting the collection of Mr. Hawkins was reserved for further consideration. The present vote is for the ordinary service of the Institution.

Mr. HUME. — I wish to know when we may expect that the buildings, which are now in progress at the British Museum, will be completed?

SIR R. PEEL. — I admit that true economy in this case would be best consulted in the completion of the buildings already in progress for the accommodation of the Museum. I, myself, brought in a Bill to enable the trustees to purchase seven or eight houses which were necessary to increase the size of the building. I am not aware whether it is intended by the Government to propose any vote for this purpose during the present year; but if so, it would not be included in this vote, but would form the subject of a separate estimate.

Mr. HUME. — There is a valuable collection of medals and coins in the Museum, — more valuable, I believe, than any which belongs to any other nation; and this is, at the same time, the only national collection which has not been made available to the public, through the medium of engraving. I beg to suggest to the Right Honourable Gentleman the pro-

priety of having the most important part of them engraved in a cheap form.

Mr. HAWES. — I formerly brought this matter under the notice of the trustees, and they not only acknowledged the importance of the subject, but memorialised the Treasury regarding it; and as, on my suggestion, the Treasury at once ordered the memorial to be printed, I inferred that they were favourable to the object in view. It is certainly most desirable that the coins, &c., explanatory of British history, should be engraved, and fac-similes produced in a cheap form, for the use of the public.

The CHANCELLOR of the EXCHEQUER. — The subject has not escaped the attention of the trustees; but they have other claims, relative to the arrangements of new collections, upon them, which must be attended to in the first place. Dr. Mantell's collection is to be purchased; and arrangements will also be made for the purchase of Mr. Hawkins's collection. To these new objects it is desirable that the trustees should direct their attention, lest the opportunity of securing them should be lost. The collection of coins being secured, we may, at any time, have engravings of them executed.

COLONEL SIBTHORP. — I am frequently obliged to the newspapers for the doings of the Government; and I have, among other instances, been obliged to that medium, for the information that the Right Honourable Gentleman has thought fit to give 4000*l.* of the public money for the purchase of a picture.

The CHANCELLOR of the EXCHEQUER. — The information given to the Honourable and Gallant Member is, in this instance, incorrect. The picture in question, which is, I presume, the "Bull Fight," by Velasquez, I have not yet purchased.

The vote was then agreed to.

The following votes were also agreed to:—

"A sum, not exceeding 2000*l.*, to defray the charge of the salaries and allowances granted to certain professors in the Universities of Oxford and Cambridge."

"A sum, not exceeding 12,500*l.*, for the salaries, &c. of the commissioners of the Insolvent Debtors Court."

"A sum, not exceeding 17,000*l.*, for expenses of the General Penitentiary at Millbank."

"A sum, not exceeding 5300*l.*, for the expenses of the prison for juvenile offenders, at Parkhurst, in the Isle of Wight."

"A sum, not exceeding 2137*l.*, for the State Paper Office."

"That a sum, not exceeding 5100*l.*, be granted for defraying the expenses of the commission appointed for digesting the several statutes relating to the criminal and other law."

Upon this vote being put, —

Mr. W. S. O'BRIEN said: — I should like to know what benefit is to be derived to the public from this outlay? I must object to this grant, because no Report has as yet been presented from this commission.

LORD J. RUSSELL. — In this case, no payment will be made until a Report shall have been presented. Last year, although the commissioners occupied themselves for a very considerable time in preparing the materials for a Report, still, as they did not make a Report, I did not think it right to apply to the Treasury for compensation for their labours. The duty of the commissioners is very arduous, and one requiring extensive knowledge of the principles of jurisprudence, and of the language in which our ancient laws are expressed, as well as very considerable information, sagacity, and talent. Part of their digest has been already presented to the House; and if the Honourable Member will look into it, I am confident that he will be satisfied of the great utility which must result from the completion of their labours. Judges of great eminence, both in this country and in Germany, have expressed great approbation of the manner in which the commissioners are proceeding in the discharge of their duties.

Mr. HUME. — Next year, I hope that the names of the commissioners will be before us.

The vote was then agreed to.

A sum, not exceeding 1465*l.*, was then voted to defray the expenses attending the inquiry into the condition of the hand-loom weavers, to its final close.

"A sum, not exceeding 103,618*l.*, to defray the charge of the salaries of her Majesty's consuls general, consuls, and vice-consuls abroad, and of the superintendents of trade at Canton; and, also, of the contingent expenses connected with the public duties of such consuls general, consuls, and vice-consuls, and superintendents of trade at Canton."

Severally put, and agreed to.

On the question being put, "That a sum, not exceeding 8850*l.*, be granted to defray the salaries and expenses of the inspectors and superintendents of factories, appointed under the Acts 3 & 4 Will. IV. c. 103.," —

SIR JAMES GRAHAM said: — As this vote is likely to create some discussion, I would suggest that it be postponed.

Mr. F. BARING. — I have no objection to postpone it.

Vote postponed.

"That a sum, not exceeding 87,785*l.*, be granted to her Majesty to defray the charge of allowances or compensations granted as superannuation or retired allowances, to persons formerly employed in the public offices or departments, or in the public service, according to the provisions of the Acts 50 Geo. III. c. 17., 3 Geo. IV. c. 113., and 4 & 5 Will. IV. c. 24., &c." — Agreed to.

House resumed; resolutions to be reported to-morrow; committee to sit again on Wednesday.

ELECTION PETITION TRIALS BILL.

On the motion of SIR ROBERT PEEL, this Bill was read a third time.

SIR ROBERT PEEL. — In the instance of the Ludlow election, a petition has been presented against the return, and I have been informed that the sitting Member is inclined to defend his seat. As the committee may, under the present law, not be appointed for thirty days, it is very probable that no committee will be appointed to try the petition during the present Session. I have, therefore, provided for this case by a clause in which it is enacted that the recognizances shall be held to be valid, but that the committee for trying the petition shall be appointed under the new law.

Clause brought up, read, and ordered to stand part of the Bill.

On the question being put, "That the Bill do now pass," —

LORD VISCOUNT MAHON said: — I do not rise to raise any discussion upon this subject. I have already fully stated my opinions upon it; and while I admit that the Bill is a great practical improvement, and feel bound to express what I am sure is the general sense of the House, — that the country is greatly indebted to my Right Honourable Friend for the pains and attention which he has bestowed upon the Bill, — still I am obliged to say that any measure which does not remove the trial of election petitions from the jurisdiction of this House will not, in my opinion, be successful. I own I hope that, if my anticipations are well founded, those Gentlemen who have taken an interest in this measure will exert themselves, hereafter, to secure what ought to be their prominent object, — an impartial and just decision in trials relating to election petitions. My object, however, in rising, is, to call the attention of the House to a part of the subject which has not been noticed in the discussions which have, hitherto, taken place upon it; and upon which the opinion of the House should, I think, be expressed. The question to which I refer is, whether the evidence taken before an Election Committee ought, or ought not, to be printed? Now, I think, that if the House will consider what is the present practice with regard to this point, they will find it is very far from satisfactory. The general rule is, that the evidence shall not be printed; but, whenever one party thinks that the decision of a committee is unfair, a motion is made that the evidence shall be printed. As a matter of course, no opposition is offered; and, therefore, sometimes the minutes of evidence are printed, and in other cases they are not so. I think, therefore, that it is very desirable the practice should not be kept in this anomalous state; and I am sure that if the Right Honourable Gentleman in the chair would offer any suggestion upon it to the House, it would be received with all the respect which is due to his high character and eminent station. I decline offering any suggestion myself, but I shall be very glad to hear and to consider any that may be thrown out, as I think that some uniform rule should be adopted, and

no provision for this purpose has been made in the Bill.

SIR R. PEEL. — I consider that, in all cases, the best mode would be, to leave the printing of the proceedings to the discretion of the committee, who will be guided by the particular circumstances of each case. There might be cases in which the evidence would extend over a period of five or six weeks; and it would be a complete waste of money to order the printing of such voluminous evidence, as a general rule. If there are any important precedents growing out, either of the points raised or of the subject matter itself, or if there be any suspicion of abuse, a motion may be made for printing the evidence. I recollect that I proposed, last year, to print the evidence in all cases; but I have been deterred from following that course in the present Bill, by the consideration of the enormous expense which it would entail, without any proportionate advantage. I am aware that my Noble Friend takes a view of this measure different from mine; but I must say that nothing could have been more fair than my Noble Friend's opposition, or more able than the manner in which he has conducted that opposition. I entertain a strong opinion that this Bill will be successful in its operation; and that, when it shall be brought into working, the proceedings of the Election Committees will be divested of everything like a party feeling. And when Honourable Members feel that they are placed in a judicial position, I have good reasons for believing, *à priori*, that they will act with impartiality; and I am strongly confirmed in this opinion, by the satisfactory manner in which the Members who have been chosen on the selected lists for private business have performed the duties imposed upon them, and the approbation and confidence which that system has obtained. But there are other considerations which weigh with me. I think that, if this House were to pronounce its own condemnation, by consenting to devolve upon a legal tribunal those functions which I wish to preserve for election committees, in the same year in which the Court of Queen's Bench has denied the House the privilege of printing its own papers, it is impossible to say what effect might not be produced upon the opinions of the people; but, certainly, such a course would not tend to increase either the dignity or the utility of the House. I am as much opposed as I ever was to encroachment, by a popular assembly, upon the privileges of the other branches of the Legislature; but I will contend with the same zeal and earnestness for the privileges which have hitherto belonged to the House of Commons, and deprecate any course of conduct which would be equivalent to parting with those privileges, and devolving them upon an extrinsic authority.

Motion agreed to; Bill passed.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Reported, and recommitted; considered in committee, new clauses added, and reported; to be read a third time on Friday: new clauses to be printed.

PAROCHIAL CURE OF SOULS BILL.

On the motion of Mr. FRESHFIELD, the Order of the Day for the committee on this Bill was read.

Upon the question, "That Mr. Speaker do now leave the chair," —

Mr. HUME said: — I believe we have, hitherto, had no explanation of what is the object of this Bill.

Mr. FRESHFIELD. — The object of the Bill is, to give power to the bishops so to divide the ecclesiastical jurisdiction, as that one spiritual person may have the cure of one part of an extensive parish, and another spiritual person of another part of the same parish. Much inconvenience has occurred from the want of such a power; and the Bill now comes before the House, with the sanction of the House of Lords. I hope, therefore, there will be no objection made to it.

The question was then agreed to.

Bill considered in committee, and to be reported to-morrow.

TURNPIKE ACTS CONTINUANCE BILL.

Considered in committee; to be reported to-morrow.

STANNARIES COURTS (CORNWALL) BILL.

Read a third time, and passed.

ASSESSED TAXES COMPOSITION BILL.

Read a second time, and committed for to-morrow.

SOAP DUTIES DRAWBACK BILL.

Read a second time, and committed for to-morrow.

PLEADINGS IN COURTS (INDIA) BILL.

Reported; to be read a third time to-morrow.

PUBLIC WORKS (IRELAND) BILL. — SHANNON NAVIGATION BILL.—SALE OF BEER BILL.—WAYS AND MEANS.—REGISTRATION (COURT OF APPEAL) BILL.

Committees deferred till Wednesday.

PAYMENT OF RATES BILL.

Second reading deferred till Wednesday.

REGISTERS OF BIRTHS, &c. BILL.

Third reading deferred till Wednesday.

LOAN FUND (IRELAND) BILL.

Committee deferred till Thursday.

TOWN COUNCILS BILL.

Second reading deferred till Friday.

INDEMNITY BILL.

Committee deferred till this day.

COPYRIGHT BILL.

Order of the Day for going into committee on this Bill, read.

Mr. SERJEANT TALFOURD. — Since a question was put to me by my Honourable Friend the Member for Limerick, on a former evening, as to whether o not I intended to proceed further with this Bill during the present Session, I have felt it my duty to confer with those friends with whom I have had the honour and happiness of acting in the conduct of the measure: and I have now to state, that it is their opinion, and mine, that, considering the nature of the opposition we have already met with, and with which we are still threatened, and also the state of the public business, however anxious we may be to press the Bill forward, there is no reasonable hope of our being able to carry it through the House of Commons at such a period as would entitle us to ask the House of Lords to enter upon the consideration of it. I will, therefore, spare the House any further expense of time or labour upon it, during the present Session; but, in making this announcement, I wish it to be distinctly understood, that the Bill is only delayed—not defeated. This is the third Session that the measure has been presented to the House, and supported by large majorities, not only in its principle, but in most of its details. I have no wish to speak of the opposition which it has encountered in anything but a spirit of kindness, sensible as I am of the strict honesty and singleness of purpose of my Honourable Friend the Member for Bridport, by whom it has been chiefly conducted. But I trust that the Bill, which numbers among its supporters so many of the greatest names, will, in the next Session, be brought forward with a happier result than has yet attended it. With this understanding, I move that the further consideration of the Bill be deferred to this day three months.

Mr. WARBURTON. — And I, too, can appeal to great names — of men who, at a former time,— many years ago,— opposed the principle of a Bill similar to that of the Honourable Gentleman. I mean Lord Camden and Charles James Fox, who opposed the principle of a perpetual copyright in the same inflexible spirit of opposition which I have given to the present Bill, and which I now announce my determination to persist in, whenever the Honourable and Learned Gentleman may again bring the measure forward.

The motion was then agreed to; Bill postponed for three months.

TIMBER SHIPS.

Report of Select Committee read; considered in committee; resolution for Bill reported, and agreed to; Bill ordered to

be brought in by Mr. GEORGE PALMER and Mr. HODGSON HINDE.

Bill, "to prevent, for a limited Time, Ships clearing out from a British North American Port, loading any Part of their Cargo of Timber upon Deck," subsequently presented, and read a first time; to be read a second time on Thursday, and to be printed.

PAPER.

Iscoed Manor. — On the motion of Mr. WILLIAM WILLIAMS, Address for —

Copy of the certificate of the conveyance from the Crown, to James Watt, Esquire, of the manor of Iscoed, in the county of Radnor, and of all schedules and other documents annexed thereto or grounded thereon, with the dates or periods at which such certificates, schedules, and documents were respectively made; also, for a copy or Return of all the surveys and valuations of the said manor made on behalf of the Crown, previous or subsequent to the sale thereof.

Adjourned at two o'clock.

HOUSE OF LORDS, MARTIS, 9° DIE JULII, 1839.

APPEALS.

Abernethie *v.* Forbes (or Gordon). — Adjourned to Thursday next.

Pearson *v.* Casamajor, *et è contra.* — To be heard on Thursday next.

Callaghan *v.* Callaghan. — Appeal presented, and respondent ordered to answer in five weeks.

The Royal Bank of Scotland *v.* Christie. — Appeal presented, and respondent ordered to answer in four weeks.

MELLIN'S DIVORCE BILL.

Returned from the Commons, agreed to, with amendments; and Commons' amendments considered, and agreed to.

APPEAL COMMITTEE.

Eighth Report from, read, and agreed to; and ordered accordingly.

AIRTH PEERAGE.

Committee for Privileges met. Witnesses examined; and committee adjourned *sinè die;* and evidence to be printed.

RUTHERFORD PEERAGE.

Committee for Privileges to meet on Tuesday, the 23d instant.

CAMOYS BARONY. — BRAYE BARONY.

Committee for Privileges to meet on Monday next; and the judges to attend, to deliver their opinions.

BLIGH'S ESTATE BILL.

Reported, with amendments, and to be ingrossed.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure; and resumed by the LORD CHANCELLOR.

ANNIESLAND AND BLACK QUARRY ROAD BILL.

Read a third time, and passed.

STANNARIES COURTS (CORNWALL) BILL.

Brought from the Commons; read a first time, and to be printed.

FILTRATION COMPANY BILL. — LIVERPOOL BUILDINGS ACT AMENDMENT BILL.

Reported, with amendments.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

LORD LYNDHURST and LORD KENYON presented petitions praying to be heard by counsel, against, — of the Commissioners of Sewers of the city of London; and of Thomas Parish, of Nos. 8. and 9. Wellington Place, Commercial Road, in the county of Middlesex. — Read, and ordered to lie on the table.

POSTAGE.

The DUKE of RICHMOND presented petitions for reduction of the rate of, — of the provost, magistrates, and town council of Lanark: of merchants and inhabitants of Wexford: and of inhabitants of North Bovey; Rew; Northawton; Kynton; Roscrea; Deane; St. Kerrain; Payhembury; Newton Saint Cyrus; Ashcombe; Woodbury; St. Leonard; and Greenwich. — Read, and ordered to lie on the table.

PRISONS BILL.

The MARQUESS of SALISBURY presented a petition against, — of the church-

wardens, overseers of the poor, and select vestry of the parish of Liverpool.

Also, petitions against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of members of the Society for promoting Christian Knowledge: and of inhabitants of Hemel Hempsted; Stafford; King's Langley; and Berkhampstead and North Church. — Read, and ordered to lie on the table.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Lord Ellenborough and the Duke of Richmond presented petitions in favour, — of the East and West India Dock Company: of merchants, brokers, and others frequenting the East and West India Docks at Blackwall: and of inhabitants of Gravesend; Woolwich; Poplar and Blackwall; and Rochester. — Read, and ordered to lie on the table.

HIGHWAY ACT AMENDMENT BILL.

House in committee (according to Order); Bill reported, without amendment; to be ingrossed; and to be read a third time on Thursday next.

ECCLESIASTICAL DISTRICTS BILL.

Amendments reported (according to Order), and Bill to be ingrossed.

BOROUGH WATCH RATES BILL.

Read a third time (according to Order), and passed.

ELECTION PETITIONS TRIAL BILL.

Brought from the Commons; read a first time, and to be printed.

PRISONS (SCOTLAND) BILL.

The Duke of Richmond presented petitions in favour of the Bill, but with certain modifications, — of the provost, magistrates, and town council of the royal burgh of Inverness in North Britain; of the commissioners of supply, heritors, and justices of the peace for the county of Inverness; of merchants, traders, and others of Dingwall; and of commissioners of supply, justices of the peace, and heritors of the shire of Nairn in annual general meeting assembled. —. Read, and ordered to lie on the table.

SCOTCH CHURCH.

The Duke of Richmond presented petitions for the endowment of, — of the presbytery of Jedburgh: of the minister, elders, and others of St. Mary's, Edinburgh: and of inhabitants of Grantoun; Lunan; Inverkeillor; Crawford and Leadhills; and Cromdale. — Read, and ordered to lie on the table.

BRICK DUTIES BILL. — PAPER DUTIES BILL. — GLASS DUTIES BILL.

Read a second time, and committed to a committee of the whole House on Thursday next.

BEER ACT IN PART REPEAL BILL.

LORD BROUGHAM. — I rise to state what it is my intention to ask your Lordships to do, with respect to the Beer Act in Part Repeal Bill, which at present stands for recommitment. If your Lordships now proceed to the consideration of the amendments which will be proposed, I think you may pretty well anticipate that they will be carried by as large a majority of your Lordships as was obtained on a previous stage. The other House of Parliament, however, has lately, by a considerable majority, dealt with another Bill which has been brought before them by the Honourable Member for Droitwich, in such a manner, that it is obvious that the measure which I have brought forward is not likely to meet with their concurrence. At the same time, a considerable majority of the Members for counties have expressed themselves in favour of the principle of some Bill that shall remove the evils against which my measure is directed. Working upon that foundation, I should humbly recommend to your Lordships to express your opinion in the most firm and distinct manner upon the subject, and to send it down to the other House in the form of a resolution. I shall therefore move

to discharge the Order which stands for this evening, and I will postpone the resolution for two or three days. As several Noble Lords are remaining in town for the express purpose of being present at this discussion, I will fix Friday for that purpose, and I will postpone the Education Bill till the Monday following.

LORD KENYON. — I must say that the proposition of the Noble and Learned Lord is a very extraordinary one. If your Lordships wish to show the other House of Parliament what your opinion is, I do not see how it can be better expressed by a resolution than by a Bill. I certainly think that the most regular course would be to proceed with your own measure.

LORD BROUGHAM. — My Noble Friend will at once see the advantage of adopting the course I propose, when I remind him that, by agreeing to a resolution, your Lordships will only postpone the third reading. I do not intend to drop the Bill. I ought to mention, that it is understood elsewhere that the course which I have recommended will produce a conciliatory effect; and if that experiment fail, your Lordships have only to proceed with your own measure.

LORD PORTMAN. — I confess I regret that your Lordships are not disposed to proceed in a straightforward course, and to pass the Bill at once.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

On moving the second reading of this Bill, —

The MARQUESS of SALISBURY said: — I have, first, to express my great concern at the opposition offered to this measure by the Noble Duke (the Duke of Wellington). I cannot but think that the Bill had better be left to its ordinary course, and be allowed to go before a select committee; and more especially I think so, in consequence of a communication I have received from the company upon the subject. One main ground of objection to that course is, the immense expense to which the parties will be put. I have, however, been empowered by the company to say that they will be ready to pay all reasonable costs incurred during the inquiry, — those costs to be taxed by the proper officer. A proposal so fair as this is surely a sufficient test of the sincerity of the company. In almost every instance, the statement of the petitioners against the Bill is met with a direct negative by the promoters of the measure, — who have, I repeat, testified their own fairness in the proceeding, by offering to pay the expenses of both parties, if the Bill be referred to a select committee. With these few observations, I leave the matter in your Lordships' hands, — reserving to myself the right to reply, if I should find it necessary so to do, to any remarks that may be made.

The DUKE of WELLINGTON. — I certainly shall take the sense of the House against the second reading of this Bill, — and I shall do so solely on the ground that the Act of Parliament, which established the Blackwall Railway Company, expressly and positively declared that their operations should not extend further into the metropolis than the Minories. I do think that your Lordships ought to hesitate before you allow a further extension, merely because it happens to suit the interests of the two companies to connect the docks with some warehouses of theirs in the heart of the city. I oppose the measure on the distinct ground I have stated; and as for all the arguments in favour of it, I do not care a pin for them. I therefore beg to move that the Bill be read a second time this day six months.

LORD BROUGHAM. — I can assure the Noble Duke I do not value his one argument against this Bill any higher than the Noble Duke seems disposed to value all the other arguments. I maintain that the reason avowed for opposing the Bill affords no ground whatever for tying up the hands of the Legislature, and preventing all future legislation on a subject, if it has been legislated upon before. If the principle of the Noble Duke were adopted, there would at once be an end of the rules and regulations of your Lordships' House with regard to Private Bills. Those rules and regulations ought not to be departed from, except on the strongest possible grounds. To do so, would be quite as bad as for the House of Commons to pass by the Election Committees provided by the Grenville Act, and decide on such petitions, themselves. The ground urged by the Noble Duke for departing from these rules is, in my opinion, wholly insufficient.

LORD ELLENBOROUGH. — I agree, in principle, with the Noble and Learned

Lord, that every Private Bill should be sent to a select committee. I know that the Noble Duke proceeds on public grounds; but I view his proposition with the greater alarm, because it may, hereafter, be referred to as a precedent. The railway for which the Bill on the table is wanted, is not a railway on which it is proposed to work machines by means of steam; and I understand that the company are prepared to introduce a clause prohibiting the use of steam or locomotive machines on it. It is to be a railway on a viaduct, supported by arches, and along its side there is to be a pathway for foot passengers, — so that it will add to the communications of the metropolis, instead of restricting them.

LORD WHARNCLIFFE. — I can well understand the opposition to the present Bill, if it rests on the general ground that no railway should be permitted to come into the heart of London; but if it be alleged that the Bill ought not to pass because it constitutes a breach of contract, or would injure the property of individuals, these are reasons which might best be investigated before a select committee, and the Bill ought not, on account of them, to be thrown out on the second reading. I beg to remind the House, that after the committee reports, it will be open to any of your Lordships to move the rejection of the Bill.

The BISHOP of LONDON. — I, for one, shall support the Noble Duke's amendment, precisely on the ground that, under no circumstances, will I give my assent to bringing a railway into the heart of the metropolis. I think that railways should be prevented from extending further than at present they do into London, both for the sake of the quiet of the city, and the interests of religion. The proposed *terminus* of the Blackwall Railway is equidistant from three churches, and the collection of many thousands of persons on a Sunday at this *terminus*, together with the noise of the carriages, would prove a serious interference with the decency of divine service. The corporation of London, the inhabitants of the parishes, as well as the clergy, all pray your Lordships not to agree to the second reading of the Bill. For these reasons I shall support the motion of the Noble Duke.

EARL FITZWILLIAM. — I rise to express my regret that, when any discussion of this kind arises, some more comprehensive view of the general question of railways is not taken. Every debate, and every new point started in it, convince me more and more that we are committing a very great error in not establishing a general system of railways in this country; and I am satisfied that, however well the business of the committees may be conducted, and whatever good regulations may be made, individuals whose interests are affected by these measures would be infinitely more reconciled to them, if they felt that they were part of a general system of railway communication throughout the country. In the present instance, — founding my opinion upon what I have heard, — I shall certainly give my vote in favour of the second reading of this Bill.

LORD ASHBURTON. — I am anxious to state the reasons that will induce me to vote against the second reading of this Bill. I object to the measure, because the railway will come into the very heart of the metropolis; and if that be allowed in this case, there is no reason why the *termini* of other railroads — such as the London and Birmingham — should not, also, have the same permission. I further consider, that it is not merely particular parties who will be injured, but the whole neighbourhood will be affected by the railway, in consequence of the rattling of the carriages upon the arches, whether moved by steam, or any other power. All railways should have their *termini* at the outskirts of the metropolis; for, otherwise, a great general nuisance may be committed to persons in the city, although they may not be able to state any specific injury.

The EARL of FALMOUTH. — After what I have heard, I have come to a very different conclusion from the Noble Earl opposite. My objection is to bringing railways into the heart of the city of London; and, certainly, after what the Right Reverend Prelate has stated, although I entered the House quite ignorant of the subject, I cannot feel the least hesitation in supporting the motion of the Noble Duke.

The EARL of WICKLOW. — I have heard no argument urged against this measure, that would induce me to say that it ought not to go before the committee. I trust that your Lordships will allow the second reading of the Bill, and there will then be an opportunity of hearing all the strong arguments against the measure. I will admit that the objections stated to-night go very far against it; and if I were appointed a member of the

committee, I should attend very closely to the proceedings.

The MARQUESS of SALISBURY.—For my part, I think it rather late, now, to come to any other conclusion than that of supporting this Bill. Three years ago, your Lordships passed a measure allowing a railway to have its *terminus* in Smithfield; so that it is very little argument against the present Bill, to complain of this railway coming into the heart of the city.

The BISHOP of LINCOLN.—It appears to me that the question for your Lordships to decide is, whether you will give your sanction to a railroad extending into the heart of the metropolis? I confess it is no argument in favour of this Bill, that a railway has already passed, having, also, its *terminus* in the city; and, agreeing in the views of my Right Reverend Friend, I shall certainly support the motion of the Noble Duke.

The House then divided; when there appeared—

For the second reading .	33
Against it . . .	26
Majority in favour of the second reading .	7

The Bill was then read a second time; the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills.

FRENCH BLOCKADE IN SOUTH AMERICA.

VISCOUNT STRANGFORD.—As the petition which I have given notice of my intention to present from merchants of London, relating to the blockade of South America, has reference to the department (the Admiralty) over which a Noble Earl (the Earl of Minto) presides, and as I am unwilling to bring on the subject in his absence, I will defer presenting the petition till Monday next.

TITHE COMMUTATION ACT AMENDMENT BILL.

On moving the second reading of this Bill,—

The MARQUESS of LANSDOWNE said:—This Bill is one of considerable importance, though it is not likely to call forth any difference of opinion among your Lordships. Before stating the general purport of the measure, and the principal points to which it refers, I may as well inform your Lordships of the exact operation of the Act now in force. From a Return which I hold in my hand, it appears that the commissioners have already made great progress in reconciling the interests of the church with those of the public, and on grounds which will prove beneficial to both. The Return to which I refer shows that 4255 voluntary agreements have been already made with respect to the commutation; and, of that number, 3114 have been confirmed. Of compulsory agreements there have been 339. There have been 179 notices given of awards actually received, and 57 of awards confirmed. Thus it appears that one third of the kingdom has been already brought under the principle of voluntary agreement,—a principle, with respect to the operation of which, the measure before your Lordships is intended to give additional facilities, and to remove some practical difficulties that now stand in the way. First, the Bill provides that former charges on tithe be transferred to land; secondly, that supplementary awards may be made. I will admit that it is not generally desirable that awards should be re-opened, but sometimes this becomes absolutely necessary; as, for instance, in cases where parts of parishes have been accidentally excluded. In the third place, occupiers of Lammas land are allowed to enter into composition, without reference to the sum paid by graziers, who send their cattle for part of the year on the land. The fourth point relates to the tithe on fruit. Orchards will be taxed in the same way as other land; but it is proposed and assented to by the commissioners, and those who represent the interests of the church, and by those who represent the interests of the fruit growers, that a composition shall be made of tithe on the land, as land, and that another shall be made on the capital embarked in growing the fruit, with the power of receding that composition when the orchards fall back to be used as ordinary land. Having stated the points most likely to attract your Lordships' attention in committee, I now move that this Bill be read a second time.

LORD ASHBURTON.—As regards what has just fallen from the Noble Marquess, I am perfectly ready to admit that the sanction of the commissioners will do much to remove difficulties; and the pro-

gress they have already made, shows that they are executing their trust with zeal and ability: but when I hear that there are over 4000 cases of voluntary settlements, I think these are rather between the tithe owners and tithe payers, but that the proportion by the tithe payers amongst themselves is not settled. I am anxious to afford every facility towards these arrangements; and I must take this opportunity of expressing my regret that nothing has been done in this Bill touching a matter of large interest to the South of England, and which has been lately mooted; — I allude to the decision of a court of law, in direct opposition to the practice of the country, and unsettling the manner of rating tithe to the poor. The learned judge will say that he has only decided according to what has always been law; but it is in opposition to nine in ten — I might almost say, to ninety-nine in a hundred — of the cases in practice. The simple question is,—that whereas it has been the custom of the country to rate the owner and the farmer *pari passu* with the tithe of the clergyman, it is now decided that the farmer ought to be rated not only on the rack rent of his farm, but also for his profits. For instance, if the clergyman receive 100*l.* a-year for tithe, he is to be rated at 100*l.*; but if the farmer pays 100*l.* a-year rack rent, he is to be rated not only for that rent, but also for his profits as a farmer; whilst the court leaves it in complete doubt what are to be the farmer's profits. This is a point which, in my opinion, Parliament ought to settle. I do not enter into the question whether Mr. Jones, as the advocate of the clergy, is right, or whether the other parties are right; but if they open the awards to reconsideration, as to one sort of errors, there is no reason why they should not open them on another point,—namely, to determine whether the clergyman has or has not their amount calculated upon a different principle. It is absolutely necessary that your Lordships should settle this *vexata quæstio*; for, without the intervention of Parliament, it will be impossible to effect an arrangement.

EARL FITZWILLIAM. — I apprehend that my Noble Friend is in error. I understand that the law is now supposed to rest on the case of The King *v.* Joddrell; and the question is, whether that case is law, or not? I hear that it is the intention of the commissioners to bring that cause forward, by some proceeding in some court, or before all the judges, so as to obtain a decision whether or not the decision in "The King *v.* Joddrell" is the law of the land.

LORD ASHBURTON. — That has been already done.

LORD LYNDHURST. — But it has not yet been decided.

EARL FITZWILLIAM. — I am glad of it. I hope that it will be decided in a manner which will be just to the people of England; for, whatever respect I may entertain for the judges of the land, I must say that the decision already come to appears to me to have arisen from a con'usion of intellect, not with respect to legal matters, but to other matters, which ——

LORD LYNDHURST. — Mr. Baron Alderson entertains the same opinion.

EARL FITZWILLIAM. — It appears to me that, if the first decision come to be good law, it ought to be so declared, before the whole land is ruled according to the principle established in that decision. If the law be allowed to remain as it has been decided in the first instance, in the case I have mentioned, it will be very hard on the tithe payer.

The DUKE of RICHMOND. — I quite agree with my Noble Friend, that if the present opinion of the judges remain as the law, it will be necessary to come to Parliament to settle the question; for, if the farmer be rated on his profits, so ought the merchant and the manufacturer to be rated likewise. The land would gain upon this principle; for the merchant and the manufacturer ought to be made to bear some part of the burden.

The MARQUESS of LANSDOWNE. — As the question is to be argued before all the judges in November next, I think it would be better not to interfere till after the final argument, and the decision of the courts shall have been taken. As to the agreements between the tithe payers, undoubtedly they must come after the other agreements; but I find that the commissioners have received 1361 agreements, of which 458 have been actually confirmed; and this shows that some progress has been made in the labours of the commission.

The Bill was then read a second time, and committed to a committee of the whole House on Thursday next.

PRISONS (SCOTLAND) BILL.

In moving the second reading of this Bill, —

The LORD CHANCELLOR said: — Having been asked by several Noble Lords to postpone the discussion on this Bill, I beg to move the second reading now, and to take the debate on going into committee on Tuesday next.

LORD ELLENBOROUGH. — I hope this measure will receive more consideration than the Jamaica Bill did.

The DUKE of RICHMOND. — Tuesday is a day when all the country Gentlemen will be bound to be absent.

VISCOUNT MELVILLE. — The Noble Duke must be aware that a great number of Bills are expected from the other House; therefore it is necessary to proceed with the measure as quickly as possible.

The DUKE of RICHMOND. — There is no man in the House more anxious than I am that this Bill should pass; and I will offer no objection, if it be thought necessary to fix the committee for Tuesday. I have often stated, that, bad as the prisons are in England, they are ten times worse in Scotland.

The Bill was then read a second time, and committed to a committee of the whole House on Tuesday next; and the Lords summoned.

CHURCH DISCIPLINE BILL.

Reported from the select committee, with amendments: to be printed, as amended; and committed to a committee of the whole House on Thursday next; and the Lords summoned.

JAMAICA BILL.

Returned from the Commons, with the amendments agreed to, with amendments; and the Commons' amendments considered, and agreed to.

PRISONS (SCOTLAND) BILL.

Petitions in favour of, — of the provost, magistrates, and council of Lanark; and of inhabitants of Stranraer. — Read, and ordered to lie on the table.

SABBATH.

Petition for the better observance of, — of inhabitants of Ashton upon Trent. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

Petition against any further grant of money for the support of, — of inhabitants of Middlewich. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against, — of clergy and laity of the deanery of Crewkerne. — Read, and referred to the select committee on the Bill.

ESTABLISHED CHURCH (CANADA).

Petitions for the protection of, — of the minister, churchwardens, and inhabitants of Chilmarsh; and Bulmer, Walter Belchamp, Great and Little Henny Middleton, and Twinstead. — Read, and ordered to lie on the table.

BEER ACT.

Petition for alteration of, — of magistrates of the eastern division of Cornwall. — Read, and ordered to lie on the table.

SPIRITS ACT (IRELAND).

Petition for alteration of, — of grocers of Castlecomer, Durron, and Ballyragget. — Read, and ordered to lie on the table.

ELECTORS' REMOVAL BILL.

To be read a second time on Thursday, the 18th instant; and the Lords summoned.

SUPREME COURTS (SCOTLAND) BILL. — BANKRUPTS' ESTATES (SCOTLAND) BILL.

To be read a second time on Monday next; and the Lords summoned.

PAPERS.

Return of the number of parishes or townships in which the apportionment of the rent charges agreed for under the Tithe Commutation Act have been confirmed by the Tithe Commissioners,—distinguishing those to which sealed or first class maps are attached, from those to which certified or second class maps are attached,—up to the latest time to which the same can be made out.—Delivered (pursuant to order of Friday last), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The Orders for committing the following Bills were severally read, and discharged; the Bills severally withdrawn; other Bills ordered to be brought in as follows; and leave given to present the Bills on or before Monday next; namely, —

Chesterfield Small Debts Bill, — (30th of May), by Mr. GEORGE CAVENDISH and Mr. WILLIAM EVANS.

Glossop Small Debts Bill, — (21st of June), by Mr. GEORGE CAVENDISH and Mr. WILLIAM EVANS.

Rochdale Small Debts Bill, — (30th of May,) by Mr. FENTON and Mr. BROTHERTON.

Oldham Small Debts Bill, — (28th of May), by Mr. BOOTLE WILBRAHAM and Mr. WILSON PATTEN.

Warrington Small Debts Bill, — (19th of June), by Mr. BLACKBURNE and Mr. WILSON PATTEN.

Newark Small Debts Bill, — (28th of May), by Mr. GLADSTONE and Mr. SERJEANT WILDE.

Marshall's Estate Bill. — Order (1st of July) for committing the Bill to SIR CHARLES DOUGLAS and the North Warwick list, read, and discharged; Bill committed to SIR CHARLES DOUGLAS and the South Northampton list; leave to committee to sit and proceed to-morrow.

Weguelin's Divorce Bill. — Read a second time, and committed to LORD ARTHUR LENNOX and the West Sussex list; instruction for counsel and witnesses.

Mellin's Divorce Bill, — Read a third time, and passed, with amendments.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Spirit Dealers (Ireland), — By MAJOR BRYAN, for allowing the sale of spirits by grocers in Ireland, — from Thomastown, and other places; and Grague, Gowran, and Goresbridge.

County Courts Bill, — Of attorneys of Cornwall, for compensation.

Collection of Rates Bill, — By Mr. CLAY, against, — from St. Mary, Whitechapel; Christ Church, Spitalfields; and Whitechapel union (chairman and vice-chairman).

Black Sea Trade, — By Mr. HAWES, — from Glasgow, for establishing freedom of commerce between Great Britain and Circassia. — To be printed.

Stage Coach, &c. Duties, — By CAPTAIN PECHELL and SIR G. CLERK, for repeal, — from Stamford, Oundle, &c.; and Brighton.

Postage, — For a low and uniform rate, — from Barnsley; Sedgeford; Ongar; and Bocking.

Church of Scotland, — By Mr. F. MAULE, — from Elgin, against further endowment.

Education, — By Mr. ALDERMAN THOMPSON, against the proposed scheme. — from Sunderland; Cressing; and Great Leighs.

By LORD MORPETH, in favour of the proposed scheme, — from Huddersfield; Hammersmith; and members of the Presbyterian Association of Derbyshire, Nottinghamshire, and South Yorkshire, held at Chesterfield.

Sicilian Sulphur Trade, — From Barnsley, complaining of injury inflicted upon the commerce of this country by the grant of a monopoly of the Sicilian sulphur trade to a company of French adventurers.

Germanic Commercial League, — By Mr. BAINES, — from Keighley and Bingley, for securing the attendance of a repre-

sentative of the British Government at the approaching sitting of the commission at Berlin.

Newfoundland, — By Mr. W. GLADSTONE, — of merchants, traders, and shipowners of Conception Bay, for the abolition of the colonial Legislature.

Poor Law Amendment Act, — From Shipston on Stour union, for amendment.

RETURNS, &c.

Fort William and Madras Judicature. — On the motion of SIR JOHN HOBHOUSE, Address for —

Copy of the rules and orders that have passed the Supreme Court of Judicature at Fort William in Bengal, on the 15th day of June, 1837; and the rules that have passed the Supreme Court of Judicature at Madras, on the 23d day of February, 1837.

Factory Inspectors. — Return (presented 8th of July) to be printed.

District Lunatic Asylums (Ireland). — Returns (presented 8th of July) to be printed.

Emigration Ships, &c. — On the motion of Mr. ALDERMAN THOMPSON, Return ordered, —

Stating the name and tonnage, according to the old mode of admeasurement, of each ship taken up by Government, or by any persons acting under its authority, for the conveyance of emigrants from any port or ports in the United Kingdom to Van Diemen's Land and New South Wales, in the year 1837; showing the dates when, and the port at which, each vessel was taken up, her age, and place where built, where the emigrants by each ship were embarked, the name of the owner, and of the broker or agent making the contract, and the rate of hire, per old ton, in each case; the number of individuals embarked in each ship, specifying how many were infants under one year old, how many from one to seven years old, how many from seven to fourteen years old, and how many, of each sex, above that age; and the aggregate number of deaths, distinguishing adults from children, which took place on board each vessel during the voyage; the name of the surgeon superintendent of each vessel, and the aggregate amount paid to him for his entire services, specifying, in each case, the particulars constituting such amount; also, the aggregate cost of the victualling, equipment, contingencies, and entire expenditure as respects each ship, independent of the hire or freight thereof:

A similar Return, so far as the same can be made out, as respects all the vessels taken up by Government for the same service, in 1838:

A similar Return, so far as the same can be made out, as respects the ships which have been taken up by Government for the same service, during the present year:

Return of the names of all persons acting in the United Kingdom, under the authority of Government, as agents in respect of emigration, and of their clerks, and their respective locations, together with the salaries and expenses for offices, travelling, and all other contingencies allowed to them, in each year.

Sugar. — On the motion of Mr. GLADSTONE, Return ordered —

Of the quantities of British refined sugar, of the several sorts entitled to drawback, exported from the United Kingdom in each year, from 1834 to 1838, both inclusive, and in the half year ended the 5th day of July, 1839; distinguishing the countries to which the said sugar was exported, and specifying the rates and amount of drawback paid thereon; together with the quantities of foreign sugar refined, in bond, and exported in sugar, bastards, and molasses, during the same periods.

Emigration. — On the motion of Mr. LABOUCHERE, Address for —

Copies of any general Report, since the last laid before this House, from the agent general for emigration:

Of any Report from the agent for emigration in Canada:

Copies or extracts of any correspondence between the Secretary of State for the Colonies and the Governors of the Australian colonies, respecting emigration, since the papers presented to the House on the 14th day of May, 1838.

CIVIL WAR IN SPAIN.

LORD VISCOUNT MAHON. — I wish to ask the Noble Lord the Secretary of State for Foreign Affairs, a question relative to the correspondence on the civil war in Spain, which has been lately laid, by the Noble Lord, on the table of the House. It appears, from that correspondence, that the Noble Lord has been actively employed in the praiseworthy object of endeavouring to put a stop to the barbarities committed in that country. But I wish to know whether the Noble Lord has taken that most effectual step for attaining so desirable an end — of extending the provisions of the convention concluded by Lord Eliot, to the extent originally intended? I need scarcely remind the Noble Lord that the original scope of that convention embraced the whole of Spain, but that its operation was afterwards restricted to the two Basque provinces. I therefore beg to ask the Noble Lord — considering the great advantages derived from it in those two provinces — whether it would not be desirable to extend the convention, so as to include the whole of Spain? I also wish to know whether anything has been done, in consequence of the overtures which, it appears, have been made to the Russian

Government, with the view of inducing the five great powers to arrange some plan of combined action, for the purpose of putting an end to the present atrocities? On that subject, I beg to refer to a passage in a despatch from a Noble Marquess, dated the 15th of February, in the present year, wherein the Noble Marquess expresses himself as follows: —

Count Nesselrode said, that when we addressed to the Russian Government an application for interference to stop the barbarous mode of warfare which had been adopted, the idea naturally suggested itself,— why not carry the interference a step further, and make the war itself to cease? — but that he had not thought of any means of overcoming the many difficulties which were opposed to the carrying out of that suggestion. Count Nesselrode proceeded to explain that his idea was, that if five plenipotentiaries were assembled, perhaps they might devise a plan for the pacification of Spain. "We," said his Excellency, "have just now, after eight years' labour, achieved the settlement of a question in Belgium, replete with complicated difficulties; and why should we despair of finding the solution of those which Spain presents?

I shall merely ask the Noble Lord whether he has availed himself, or intends to avail himself, of the opportunity which thus appears to offer itself, of accomplishing the pacification of Spain?

VISCOUNT PALMERSTON. — With regard to the first question which has been asked by the Noble Lord, I have to state that the Eliot convention was, as he knows, by the desire of both parties, limited, at the time it was signed, to the Basque provinces, and to the armies engaged in those provinces; but I have further to state that, whenever any application was made to have the convention extended to the whole or other parts of Spain, the Spanish Government always objected to that, on the ground — as they alleged, with a good deal of justice — that there are, throughout that country, owing to the suspension of the powers of the law consequent upon a civil war, numerous bands of men, robbers and marauders, who, if the convention were extended as the Noble Lord proposes, would, upon being captured, declare they were Carlists, and, pleading the terms of the treaty, get themselves exchanged as prisoners of war. The Spanish Government therefore say that they cannot consent to do away with the limitation of the treaty, consistently with a due regard to the security of the Spanish people. But the Noble Lord will see that one result of the application which the English Government made to Austria, Russia, and Prussia, has been the effecting of an arrangement between Cabrera and his opponent, which provides for the exchange and safety of the lives of prisoners. I can assure the House that I shall use my best endeavours to humanise the war in Spain as far as it may be possible to do so. With regard to the second question which has been put to me, the Noble Lord will see, by the papers on the table of the House, that the idea of some combined plan of action on the part of the five great powers has been suggested by Count Nesselrode, who undertook to use the influence of the Court of Russia for the purpose of putting an end to those atrocious crimes. In reply to that suggestion, the English Government begged to know what was the idea of the Russian Government as to the means to be employed for the attainment of that object,— observing that the English and French Governments were bound by the provisions of the quadruple treaty, and could not enter into any arrangement at variance with that treaty. Count Nesselrode thereupon intimated that the Russian Government had no particular plan to propose, and the negotiation in consequence dropped.

TURKEY AND EGYPT.

Mr. MILNES.—I wish to ask the Noble Lord a question of great importance, concerning the present state of affairs between the Sultan and the Pacha of Egypt. As it is understood that hostilities have commenced, I wish to know whether the Noble Lord is aware of the negotiations said to have been begun between Marshal Soult and the Pacha of Egypt, for putting a stop to them? and that Marshal Soult has sent a *chargé d'affaires* to inform the Pacha of Egypt, that if he will only cease hostilities, the five great powers will arrange the affair for him? It is also stated, that the Pacha, in consequence of that message, sent instructions to his son, Mehemet Ali, that if he had already driven the Turks across the border, he should halt, and await the decision of the five powers. I beg to know whether this act of Marshal Soult is to be understood as that of the French Government? or if it has been done with the cognizance of the Noble Lord?

VISCOUNT PALMERSTON.—I have great satisfaction in stating that the English and French Governments perfectly understand each other, and are acting in concert, with regard to these important matters. With respect to the particular acts of other Governments, however, I can speak but generally; and, in answer to the Honourable Member's question, have only to say that her Majesty's Government has

been informed that the French Government has sent an officer to Alexandria, and another to Constantinople, for the purpose of persuading the Sultan and the Pacha to suspend hostilities, in order that an amicable arrangement might be made. There is good reason to hope that not only France, but Austria, Prussia, and Russia, are equally animated by a strong and sincere desire to use that influence which naturally belongs to those great states, in an endeavour to bring about some arrangement which may relieve Europe from the dangers that must result from a prolonged conflict between those two powers.

PERSIA.

Mr. MILNES. — I also beg to inquire whether there is any hope of a satisfactory settlement of the present anomalous position of this country with regard to Persia? It appears that our minister has withdrawn from Persia, and that the Persian ambassador has not been received at the English Court. Can the Noble Lord give any information on that subject?

VISCOUNT PALMERSTON. — The only answer I can give to that question is, that the Persian ambassador was told, at Constantinople, at Vienna, and again at Paris, as he had been previously informed at Persia, that he could not be received here until the Persian Government had given the Government of England that satisfaction, the nature of which had been stated in writing to the Persian Government. The ambassador, however, acting on the instructions of his own Government, persisted in coming hither, hoping that he might be able to forward the end he had in view; but as he did not, on his arrival, show that the satisfaction demanded had been granted by the Persian Government, I did not consider it consistent with my duty to receive him officially.

MEXICO AND TEXAS.

Mr. O'CONNELL. — I wish to put a question to the Noble Lord relative to that portion of the Mexican territory calling itself the state of Texas. I wish to know whether anything has been done by the Government for the purpose of recognising the independence of that state?

VISCOUNT PALMERSTON. — An application was made to this Government, in the early part of last year, by persons from Texas, for the purpose of knowing whether we were preparing to acknowledge the independence of that state. The answer given to that application was, that the general principle of this Government was, to acknowledge every state which was, *de facto* and permanently, independent; but that, under the circumstances then existing, we were not prepared to enter into relations with Texas. I have also to state that, as soon as it was known that the British minister had succeeded in effecting a reconciliation between France and Mexico, instructions were forwarded to him to endeavour to bring about some understanding between Mexico and Texas.

Mr. O'CONNELL.—As the slave trade is carried on most extensively in Texas, I beg to ask whether any instructions have been given on that subject?

VISCOUNT PALMERSTON. — The instructions sent out were of a general nature, and did not embrace any details in connection with that subject.

SCOTCH FISHERIES.

CAPTAIN PECHELL. — I have received a communication from Scotland, which induces me to ask the Noble Lord a question respecting our fisheries. It appears that a fleet of French fishing boats has appeared on the Scotch coasts, and their presence is likely to produce considerable injury to the Scotch fisheries. I wish to know whether anything has been done with the French Government relative to the recent encroachments of French boats on the fisheries of this country? and, also, whether any directions have been given by the Admiralty to send a vessel of war to protect the Scotch fishing boats?

VISCOUNT PALMERSTON. — For some time past, as the Honourable and Gallant Member knows, negotiations have been going on between England and France for two purposes; — first, to settle the question of the oyster fisheries on the coast of Jersey; and, secondly, to make an arrangement with regard to the fisheries, generally, on the two coasts of England and France. I am happy to say that the negotiations are nearly brought to a satisfactory conclusion; and I hope to be able, in a short time, to lay the result of these negotiations before the House.

CAPTAIN PECHELL.—Will the Ad-

miralty send a vessel for the protection of the Scotch fisheries?

VISCOUNT PALMERSTON. — I have no doubt that the Admiralty will do all that is requisite for the protection of the British interests.

STEAM NAVIGATION.

Mr. H. HINDE. — I wish to ask the President of the Board of Trade, whether it is his intention to introduce any measure, during the present Session, for the purpose of carrying into effect the recommendation of the commissioners with regard to steam navigation, with a view of preventing the recurrence of those disastrous events which have, of late, caused such great losses of life and property? If nothing be done this Session, great disappointment will be felt by the country generally.

Mr. P. THOMSON. — It is not my intention to introduce any such measure, this Session. The Report of the commissioners contains so many recommendations, and involves so many intricate points, that the preparation of a Bill would occupy considerable time; and, if it were even prepared with one, it is not likely that I could go on with it at this advanced period of the Session; but it is my intention, early in the next Session, to introduce a measure on the subject.

CANADA.

SIR ROBERT PEEL. — I wish to ask the Under Secretary for the Colonies, whether any despatches have been received from Sir John Colborne, Governor General of Upper and Lower Canada, explanatory of the advantages which, it is said, would result from allowing the ordinances of the Governor and Council to have a more permanent duration than the year 1842? It has been stated that many persons have been prevented from undertaking important local improvements, from the uncertainty and limited duration of the time under which they may be commenced with the approbation of the authorities in that country. I beg to ask the Under Secretary for the Colonies, whether any such despatches have been received? and, if so, whether the Right Honourable Gentleman has any objection to lay them on the table of the House?

Mr. LABOUCHERE. — I cannot, at this moment, give an answer to the question of the Right Honourable Baronet; but if he wishes the despatches of Sir John Colborne to be looked into, with a view of obtaining the information he requires, I will examine them, and give him an answer to-morrow.

SIR R. PEEL. — It appears, by some of the papers on the table, that improvements will be prevented from being carried into effect, unless the time I allude to be enlarged; and I wish to know whether these suggested improvements are specified?

Mr. LABOUCHERE. — I know that Sir John Colborne's despatches contain some observations on the subject; but I cannot tell, without reference to them, whether he has supplied any suggestions, with a view to immediate legislation, or not.

JAMAICA GOVERNMENT BILL.

Order of the Day for considering the Lords' amendments read.

LORD JOHN RUSSELL. — I will now state, generally, that I propose to agree to the amendments which have been made by the House of Lords in this Bill, — with the exception of one, which is rather of an important, though formal nature, owing to a blunder made in the other House. The chief alteration is the omission of the first clause, — a clause upon which there was a good deal of discussion in this House. It is, therefore, unnecessary for me to repeat the arguments in favour of, and against, that clause. Its rejection certainly deprives the Bill of much of its power and utility; still, on the whole, I think it far better that this Bill, so altered, but giving to the Governor new powers, should be passed, than that no Bill at all should be sent out. Another alteration which has been made is, the provision that two months shall elapse after the meeting of the House of Assembly, before the Governor in council shall be empowered to continue any of the laws that have expired, or are about to expire. With that amendment I do not propose to interfere. The amendment to which I first alluded is of this nature. The preamble of the Bill sent up to the Lords recited, that —

> Whereas the altered state of society consequent upon the abolition of slavery in Jamaica requires the enactment of certain measures, and whereas the House of Assembly, by an Address," &c.

But by an amendment made in the other

House, the first part of the preamble, including the words "Island of Jamaica," has been omitted, so that it does not appear to what colony or island the Bill has reference.

[Laughter.]

This omission it is necessary to correct; and I therefore propose to amend the Lords' amendments by the introduction into the clause in question of the words "whereas it is necessary to take measures for the good government of the Island of Jamaica."

SIR ROBERT PEEL. — Of course, I shall not oppose the Noble Lord's proposition to cure this mistake. The amendments which have been made to the Bill bring it very much to the form which I suggested should be adopted. I rise, however, for the purpose of expressing a sentiment which I am confident will meet with the concurrence of this House, — namely, an earnest hope that the House of Assembly of Jamaica will justify the confidence now placed in it by the general sense of Parliament, and realise the expectations entertained, here, that they will not only resume their functions, but that they will proceed in that spirit and temper calculated to raise them in public estimation in this country; and to show that the intention of suspending the constitution and abolishing the legislative functions of the island was not justified by the result.

[Hear, hear!]

Lords' amendments agreed to, with an amendment.

METROPOLITAN POLICE AT BIRMINGHAM.

SIR ROBERT PEEL. — I wish to know from the Noble Lord at the head of the Home Department, what number of men belonging to the metropolitan police force has been sent down to Birmingham in consequence of the disturbances which have taken place there? In asking this question, I would earnestly recommend to the Noble Lord that the utmost caution should be used in sending down bodies of the metropolitan police to be employed against mobs in the large towns in the country. I do not complain of the course which has, in this instance, been taken by the Government; but, considering the high character and efficiency of the metropolitan police, I trust that that character will not be impaired by bringing them, without due and full consideration, against riotous assemblies in different parts of the country.

LORD J. RUSSELL. — The question put to me by the Right Honourable Baronet renders it necessary that I should state some circumstances connected with the matter it refers to. What has been done with respect to Birmingham, is nothing very different from what has been done with reference to other parts of the country, during the last three years. The mayor of Birmingham, accompanied by two other magistrates of the town, came to London, expressly, to make application to the Home Office for assistance. They informed me that assemblies of a tumultuous nature were held every night, to the great alarm of the inhabitants, and that they had not a sufficient police force to arrest persons guilty of disorder. They likewise stated, that the corporation of Birmingham, which has only lately been formed, had taken measures to organise a police force; but that, that object not having yet been effected, they (the mayor and magistrates) were unwilling to call in the military to act without a civil force. In compliance with their request, I agreed that sixty men of the metropolitan police force should accompany them to Birmingham, — at the same time asking them whether they had a sufficient military force, and receiving an assurance on their part that they were satisfied with their military force, and with the co-operations of the officer commanding in their district. It appeared, afterwards, that, on arriving at Birmingham, the magistrates thought it proper immediately to direct the arrest of certain persons then tumultuously assembled in a place called the Bull Ring, at Birmingham. I will not pronounce an opinion on that proceeding, or with regard to the course of conduct thought fit to be pursued at any particular moment of riot and tumult; because it is impossible for any one to judge of the necessity for it, unless he be on the spot, and aware of all the circumstances which exist. A portion of the mob, against whom the body of the metropolitan police was directed, were armed with knives and other dangerous weapons, with which some of the police were wounded. I am glad to say, however, that the last accounts state that they are not dangerously wounded. The next morning I received an express from Birmingham, and a request to send down forty more men. I hesitated somewhat with respect to this step, and consulted Colonel Rowan,

with the view of ascertaining his opinion as to the effect such a course of proceeding would have on the police force in general; and I received a communication from Colonel Rowan, stating it would give confidence to the force already there, when they found themselves supported by aid from their own body. Accordingly I sent down forty more men on the second day, who arrived at Birmingham the same evening. It appears, although the military acted with that promptitude and temper with which they almost invariably act on similar occasions, — and although the special constables did not fail in their duty, — that the presence and assistance of a small body of well-organised police was exceedingly useful in maintaining the peace of the town; and every letter which I have received expresses a sense of the utility of this force. I am happy to say, likewise, that I received a letter, this morning, from one of the superintendents of the police at present at Birmingham, — a man of character and intelligence, — stating that, although great crowds assembled yesterday evening in the streets, the metropolitan force acted everywhere with the utmost decision. Although the Right Honourable Baronet seems to think it unwise to employ the metropolitan police force in any case where there would be a chance of their being injured personally, or disparaged in the public opinion, I conceive, nevertheless, that there do occur many occasions in which the assistance of a small body of organised policemen would be of the utmost importance, and produce the best effect. This was found to be the case at Trowbridge, where the barracks, recently repurchased by the Government, would, probably, have been burnt during the disturbance there, had it not been for the presence of a portion of the police force. I wish to see an efficient police force established throughout the country; but, in the present state of the kingdom, and of the local police of various districts, I think that, in such cases as the present, the metropolitan force may be called into action, without any evil consequences resulting to that force.

MAJOR WOOD. — I wish to know whether this force is to continue at Birmingham? If the system is to be pursued of sending the metropolitan police force throughout the country, it will be a considerable tax on the metropolitan ratepayers here.

LORD JOHN RUSSELL. — In almost every case, I have found the local authorities ready to contribute the greater part, if not the entire, of the expenses of the police force sent down. I may also mention, that I have thought it necessary, this year, to ask for an additional sum of money for the police force, so that there may be a body of police always disposable, without diminishing the force necessary for the metropolis.

FOREIGN TIMBER.

Petition from Wolverhampton, for repeal of duty on foreign timber. — Ordered to lie on the table.

On presenting this petition, Mr. VILLIERS said: — Sir, in seeking to draw the attention of the House to the subject on which I have given notice of a motion, I am aware of the disadvantage under which I labour. I know the distaste which this House has for matters of this nature; and I know how difficult it is, at this season, to draw serious attention to any question of public importance. Still, Sir, I consider this a very important subject, and one which (reminded, as I am, constantly, by those who placed me here of the mischievous operations upon industry and commerce of similar restrictions) I do feel it a duty to submit to the attention of this Parliament; and, Sir, I must claim for it some degree of appropriateness in point of season, — since we are, at this moment, not only about to review the relations in which we stand to those provinces in America which are connected with the trade in timber, in the hope of placing them upon a footing more suited to the true interests of both countries, than that which they now stand on. But, Sir, we are fresh from hearing a statement from the Financial Minister, from which it appears that we are in a course of expenditure in excess of our income; and the case which I have to submit to this House is one in which the resources of this country are, perhaps, more prodigally, uselessly, and mischievously wasted, than in any other case with which a parallel can be instituted; and I believe that, in the correctness of that view, there is more unanimity of opinion than in any other in which particular interests are opposed to public good. Indeed, the question of the policy of these duties has been decided. They have, I believe, been condemned by every Administration which this country has had for twelve years past, — they have been pointed at by every independent politician, — and, in their case, even that last resource has been resorted to by those who are beaten in fact and argument, namely,

a select committee to inquire into facts already known, and which has been attended with the usual result, in eliciting further facts in confirmation of the mischiefs alleged. The story of these duties was told in this House about eight years since. It is fortunately a short one, and I will only repeat it with the brevity that is requisite. I need not, perhaps, tell the House that this article of necessary consumption is not produced in this country in quantities sufficient for its demand; and that this deficiency equals about 1,200,000 loads of timber, annually. Now the countries which supply this article are those in the North of Europe, and those in the North of America; and the characteristics of the wood imported from those countries, respectively, are, that the wood imported from the North of Europe is good and cheap, and the wood from the North of America is bad and dear. The House has now to learn in what proportions the timber so characterised is imported into this country. It is as follows: — Three fifths of the timber are from the country where it is bad and dear; and two fifths, or somewhat less, from the country where it is good and cheap. Now, I think that any stranger to our policy would naturally ask, by what contrivance it was that we were induced to act in a manner so opposed to the usual dealings of sane men? The answer, then, is, — that the Legislature causes a duty of 55*s.* a-load to be laid upon the good timber, and one of only 10*s.* upon the bad. I believe that I am safe in making this statement respecting the character of the wood which is imported into this country; for those who would maintain these duties do not, if I understand them, dispute it; for they do not contend that the community is as well supplied from Canada as from Europe; but they say, "Do not alter the duties, lest every consumer of timber in England should resort to the European market, where he would get the article the cheapest and the best." But, not to allow anything to depend upon assertion, I will read a short extract from the Report of the House of Lords on this subject, which, I presume, will be received as an authority. They say, —

North American timber is more soft, less durable, and every description of it more liable to the dry rot, than timber from the North of Europe. Red pine, however, which bears a small proportion to the other description of timber, and the greater part of which, though imported from Canada, is the produce of the United States, is distinguished from the white pine by greater durability. On the whole, it is stated by one of the Commissioners of his Majesty's Navy most distinguished for practical knowledge, experience, and skill, that the Canada timber, both oak and fir, does not possess, for the purpose of shipbuilding, more than half the durability of wood of the same description, the produce of the North of Europe.

Mr. Copeland, the most extensive builder and timber merchant in London, has also said, in evidence before that committee, "that the timber from the Baltic in general" — (speaking of Norwegian, Russian, Prussian, and Swedish) — "is of a very superior quality to that imported from America, — the bulk of which is very inferior in quality, much softer in its nature, not so durable, and very liable to dry rot." This evidence respecting the timber, given nearly twenty years since, was confirmed in every particular before the committee in 1835; attached to whose Report will be found most instructive evidence as to the whole subject, — and none more so than that given by the Honourable Member for Bridport, who has, in his testimony, nearly exhausted the question. But there are some corroborating circumstances, in case any doubt should be cast upon individual opinion, which must satisfy every person: for instance, that the Canadian timber is excluded from the dockyards; and, also, in all building contracts there is especial provision that none shall be used. But there is one thing, perhaps, more conclusive than any other, — namely, that for the woods admitting of comparison, there are two prices, in the same market, — the European timber fetching the higher price.

The next point to notice to the House is the pecuniary loss which the use of this inferior timber, at high price, causes to the country, and which is not difficult to estimate; for, having the different prices in the market, we can estimate the loss from quality, and, taking the duty from the gross price, we learn the difference of price. Now, examining the prices current of the woods of the different countries in the modes in which they are rated and brought to this country, I find that on every load of pine timber we lose 2*l.* 5*s.*; on oak timber in the same proportion; on every hundred of deals we lose 17*l.*; and on every thousand of staves, which are so much used in this country for packages, casks, &c., 38*l.* Sir, applying this measure of loss per load to the whole quantity imported from the North American colonies, I find that the loss, after deducting about 100,000 loads of yellow pine, which we must always get from Canada, equals the sum of 1,500,000*l.*, which is an estimate which I find corresponds nearly with others which have been made. For instance: Sir Henry Parnell

states, in his work on financial reform, which was published when we imported much less timber, that the loss was probably above 1,000,000*l.*; and a most able and intelligent witness (Mr. Norman) stated, in his evidence before the Committee on Manufactures, Shipping, and Commerce, that the trade must have cost the country not less than 30,000,000*l.* in the last twenty years. I should also state, perhaps, that, owing to the peculiar mode of adjusting the duties on the timber in log and on the deal, the revenue further sustains a loss of about 12*s.* a-load, without any advantage or convenience to the consumer. Now, I contend that this sum of 1,500,000*l.* is not a sum that should be taken from the community, unless it be applied to the purposes of revenue, or it be shown that the loss is a necessary loss, or that there are countervailing advantages: but it is the peculiar enormity of this case, that not one sixpence of this sum goes into the revenue; and it is not at all necessary or advisable to continue it; nor are any of the advantages which are pretended to result from it at all adequate to the evil. It is also a peculiarity in the changes in modes of levying the duty which are proposed, that they can be effected with benefit to the consumer,—and without injury, but with some advantage, to the revenue; or with some advantage to the consumer, and great benefit to the revenue; for a given amount of timber will be imported. But such a duty as is now collected can, in no way, be adjusted,—so little profitable is it to the revenue or the consumer, as it exists at present. I own, when I consider that timber is an important element in production; and that to all classes of producers, whether manufacturing, agricultural, or the labouring classes, it is of the utmost importance to have it good and cheap, I do extremely regret that it should have been deemed a fit subject for taxation at all; but, certainly, as it has been so, the revenue ought to derive the full benefit from the tax, without prejudice to the public. But this subject is one of far more importance to the labouring classes than it is usually considered; for when we consider the miserable dwellings of many of the labouring classes of this country, and the degrading influence of a wretched dwelling upon every poor man, it is impossible to overrate its importance. I have obtained a copy of a Report on the dwellings of some of the poorer classes in a large manufacturing town, which I will just refer to, because I believe that it describes their condition in nearly every populous manufacturing town. It is a Report made of the dwellings of 1384 families in the borough of Stockport:—

Statement of the number of families dwelling in cellars; and also of the number of families dwelling in single rooms, in Stockport. Extracted from the rate book, June, 1839.

1839.		Remarks.
Families dwelling in cellars in Stockport,	1253	These cellars are mostly without drains, cold, damp, and very dark. The poor families who occupy them are subject to fevers, and often lose their health and cheerfulness, whereby they are unable to get a living. There are instances of two families, and lodgers besides, being huddled together in one cellar.
Families dwelling in single rooms in Stockport .	131	These rooms are seldom more than 12 feet square; and in that space there are (in some instances) two families and two lodgers, — that is, 10 or 12 persons in one room.
Families . .	1384	

Now, I am led to connect this statement with the price of the materials of building, from the account I get of the condition of the poor in countries where timber is cheap; and I was struck by a passage in the travels of an intelligent traveller in Norway, Mr. Laing, who observes upon the comfortable dwellings of the peasants, and is led into reflections on our timber laws in consequence. He says,—

This population, also, is much better lodged than our labouring and middling classes, even in the South of Scotland. The dwelling houses of the meanest labourers are divided into several apartments, have wooden floors, and a sufficient number of good windows; also, some kind of outhouse for cattle and lumber. Every man, indeed, seems, like Robinson Crusoe, to have put up a separate house for everything he possesses. Whoever has observed the condition of our labouring population, will admit the influence of good habitations upon the moral habits of a people. The natives of New Zealand have dwellings more suited to the feelings and decencies of civilised life, than the peasantry of a great proportion of Great Britain and Ireland, who live in dark, one-room hovels, in which not only household comfort and cleanliness are out of the question, but the proper separation of the sexes can scarcely be maintained. It is from the operation of our timber duties that the working class in Great Britain, and particularly in Scotland and Ireland, is so wretchedly lodged,—an evil by which the whole community suffers. The timber of America is not adapted, either in size, strength, durability, or price, for the woodwork of small houses; for the beams, roof timbers, or other parts in which there is strain or exposure, it is considered totally unfit; and were it stronger, the waste in reducing its logs to the proper dimensions, prevents the application of it to such small buildings. The duty upon the

kind of wood alone suitable for the poor man's habitation, — which is the small sized logs, deals, and battens of Norway, or the Baltic coast, — renders it impossible for the lower, or even the middle classes, to lodge themselves comfortably, or even decently. It affects the price, not merely of the good building material which these countries could furnish at a cost lower than the duty now levied upon it; but it raises our own wood, which no prudent man can use in any work that is intended to last for twenty years. If our labouring classes understood their own interest, they would find that the timber duties press more heavily upon their comfort and wellbeing than even the corn laws.

And now, having traced the evil effects of these duties upon this country, I come to the question, — What excuse is there for their continuance? I am, of course, prepared to hear those old watchwords of monopoly — ships and colonies — started again upon this occasion, and to hear the old story that the British navy depends upon her commercial marine; that this looks to the colonies, and that the colonies are the natural customers to the manufacturers; and that, without the continuance of this and other monopolies, they could not purchase our manufactures. And seeing the success with which these silly fallacies have been urged hitherto, I should shrink from attempting to battle with them, if I did not daily observe the advantage of discussion, and if I did not believe that by means of discussion the truth will prevail.

Now, after having given a careful attention to all the information that can be obtained on this subject, I must say that there is no point to which I would venture to speak with more confidence, than that the British navy is in no way dependent for its efficiency upon that part of the mercantile marine which is employed in the timber trade; and with respect to the colonies, that their prosperity has been greatly deferred, and that they have been seriously injured, by being tempted, by means of these duties, to divert their capital and industry from their more natural channels of employment, and devote them to the most hazardous, gambling, and demoralising business into which they could have engaged. In examining the evidence before the committee, I find that some witnesses, who, from their intelligence and local acquaintance with these colonies, seem to have been well competent to speak on this subject, and who were unbiassed by any local interest, have given important evidence to this effect; — I allude particularly to Mr. M'Gregor and Mr. Revans. They state that these colonies have ample resources, which would enable them to support their trade with other countries; and that nothing but the bounty which we have p aced upon their timber has prevented them from giving to those resources a more ample development. Many products are enumerated, for which each seems to have its appropriate section in British America. Canada has its agriculture, — Newfoundland its fisheries, — Nova Scotia its mines, — while New Brunswick would probably have become, by this time, one of the finest grazing countries in the world, but for the seduction of the timber bounty, which has left it now to depend for its resources on British America; and it is urged, with some force, that, unless these colonies had other resources than the timber trade, it would be a species of fraud practised upon emigrants, to tempt them to settle as agriculturists. But it appears that the colonies are far from depending upon the timber trade, alone, for the purchase of imports. For instance, in Canada, the imports amount to 1,500,000*l.*, of which not more than 450,000*l.* can be paid for in timber, — the rest being paid for by the expenditure of our Government, and of that of emigrants, who bring money out with them, and by products other than timber. It is stated that this trade is a hazardous and gambling one. Some of the risks of it are pointed out in the evidence given before the committee. For instance, the fluctuations in price, here, are upon the whole price of timber: but any variation of price must, in fact, fall upon the original cost of the timber; which makes the speculation, in every consignment, much more precarious. In Newfoundland there is no timber exported; and, in Nova Scotia, it is the least item of her exports. New Brunswick seems to be the province chiefly interested in the timber trade; it having an additional inducement in its greater proximity to the mother country. But it is the misfortune of that colony that she is so dependent. There is also great hazard attending the floating the timber down the river to the ports of shipment; and to such an extent, that the general belief in Canada is, that one third of this timber is lost before reaching port. This, of course, enhances the value of the cargo which reaches its destination in safety; and these are the sort of prizes which tempt many to place their capital in this sort of lottery, but which, though some realise fortunes, ends in the ruin of hundreds who engage in the trade.

Now, with respect to the influence which this employment, and its accompanying circumstances, exercise over the

character of the people engaged as lumberers, there appears to be but little difference of opinion. I can conceive no greater nuisance to a well-ordered community, than to have periodical visitations by such people as the lumberers are described to be. They go in bodies, and live in those woods together, — are not subject to any of the social influences of civil life, — with the greatest temptation to the use of ardent spirits, men's constitutions are impaired, and they are rendered reckless in their morals and habits. It is another matter, I believe, also, no longer in dispute, that this business of lumbering offers no advantage or employment to the emigrants on their first arrival, — the object of the emigrant being to settle down as an agriculturist; and, besides, not having the skill to use the axe in felling the wood; and, in truth, no employment being afforded to any but those who come without means, and who can find employment about some of the lumbering establishments about the ports. But, as most of the emigrants leave this country because people have not the means to employ them, and that they are assisted to do so, what policy is it that should tax this country 1,500,000*l.* in order to find employment for these people across the Atlantic? Far better for the people, here, to keep their money in their own pockets. But it is too idle to talk of people being destitute for want of employment, or that it is necessary to establish a monopoly. Why, the future wellbeing of the colony depends upon a constant tide of emigrants flowing in from this country, and occupying the lands; and, as it might be expected, evidence was given before the committee of the demand for labour that existed in Canada, — and, it was also stated, that all the more recent and flourishing settlements in Upper Canada are quite independent of the timber trade, at such a long distance as Perth and Huron; — in short, so clear is it that the prospects of these colonies are not increased with the timber trade, that gross injustice is done by it; so that what remains is, to see how to get rid of the monopoly with as little injury to the capital vested in the trade as it is possible. And, here, the more this part of the question is examined, the greater are the facilities which present themselves; for, fortunately, there is, as it were, a trade springing up with the United States in wood, — and now the forests are so much cleared in the states of New York and Vermont, that it becomes better economy to import wood from Canada than it is to resort to their forests, — and this gives employment to some of the principal saw-mills in that province, which is the most valuable kind of capital I find engaged in this trade. But I think there is little reason to believe that the majority of the people in Canada attach any importance to this monopoly; and they appear to me to care far more for good government than any such adventitious advantage as we give them by such means; and I believe that our chance of retaining those colonies depends far more upon the system of governing them, than it does upon the maintenance of this monopoly: and of one thing I feel sure, — that the people of this country will never tolerate to continue to be losing 1,500,000*l.* a-year to satisfy the colonists by means of a monopoly, while, on the other hand, we are paying nearly an equal sum for the purpose of ruling them by force. But this appears to be a favourable moment for redressing, on the one hand, their political grievances, and, on the other, to establish the commercial relations on a sounder footing; and it is really difficult to conceive — with the example of our trade, without monopoly, to the United States — how any person will venture to say that we cannot have an unrestricted commerce with the countries immediately adjoining. But the persons that I expect will be found to be the most eager in maintaining this monopoly, will be what is termed the shipping interest, — for they it is who are supposed to be most tenacious of the advantages they gain by it; and I will not deny, that if we were to import less timber from Canada, it would affect the capital of some shipowners engaged in that business, and in the same way as people are constantly affected by changes and improvements which supersede their employment. But that the trade in bringing timber from Canada can be maintained, if we can get it elsewhere at less freight, can rest upon anything but a deliberate sacrifice of the public interests for private advantage, I do deny. For, Sir, when I hear that the shipping interest is at stake in the maintenance of this trade, it becomes us to inquire what proportion and character of shipping it is that are so employed?

Now, in the first place, I find that there are not more than 1816 ships employed, altogether, in the trade between the North American provinces and the United Kingdom; and of these, there are about 447 cargoes that are not of timber, which must therefore be deducted, and which leaves 1369 for timber. Now, as every

vessel makes two voyages, this must be again divided by two, which reduces the actual number employed to 684; but, as there would necessarily be about 100,000 loads of Canadian timber to be brought here, which would be about 222 cargoes, that would reduce the number further by 111 vessels, which would then leave 573, —which, if the expectations of the shipowners were realised, would be deprived of employment if the Canadian timber trade were to cease. But, supposing this to be the case, what proportion does the House suppose that they bear to the whole mercantile navy of this country and her dependencies? Sir, the number of registered vessels, in 1836, amounted to upwards of 25,500; and it is to prevent this subtraction from the whole amount of British tonnage, that we are told the shipping interest of this country is in danger, and that we are required to submit to an annual loss of 1,500,000*l.* to avert it. Why, the annual consumption of the shipping of this country is, I believe, estimated at 1200*l.* a-year, or thereabouts! But what is it but gratuitous assumption, to suppose that this loss will be sustained to the shipping of this country? It proceeds upon the idea that the foreign shipping is to monopolise the whole of the increase in the Baltic trade, on the supposition that we should obtain all our timber from that quarter. Why, this was the old cry against Mr. Huskisson, when he altered the navigation laws. It was said, then, that the shipping interest was to be ruined, that we were to be beaten out of the seas by foreigners, and that the Prussian navy would ride ascendant in the ocean! And I should have thought that the alarmists, upon that occasion, would have lost their credit as prophets for ever in this country, considering the results which attended that change. For what happened, instead of what was predicted? This; that more ships were built and employed in a given period, after those laws were changed, than before; and that, while foreign shipping has increased 11½ per cent., the English shipping has increased 29 per cent.; and the mercantile marine of Prussia has, since the period when the reciprocity treaty was signed, diminished in a most marked manner. From this experience, then, there is little reason to expect the results that are predicted in this case: but there are reasons which render it peculiarly improbable, in this particular case; for the ships that are usually employed in this trade, are ships that have become unfit for service of any other kind, and that have been built and employed for other purposes. Now, to meet an increased demand for shipping, it is far more likely that an adequate supply of cast-off ships would come from this country, which has the most extensive marine in the world, than from countries which have hardly enough to meet their own wants. What has been the case lately with respect to grain, which has chiefly come from the Baltic? Has the carrying of that fallen entirely into the hands of foreigners? or is it not the reason of the extravagant freights which the shipowners have been lately getting, that they have had an extraordinary demand for vessels for this purpose? There are only two reasons why foreigners should navigate their ships cheaper than we do. One is, that the cost of materials in building their ships is less; and the other is, that the provisioning their ships is cheaper. Now, it would be the obvious effect of reducing the duties on timber, that it would lower the building materials of ships; and, with respect to provisions, — that applies less to the Baltic trade than to any other. But the truth is, the only just conclusion at which we can arrive from past experience is, that there are, at present, no people that we know of who can compete with us in navigation. The only people in the world who could, — and will (if any do), eventually, — are the Americans. Yet what is the case there? Why, that in the year 1821, the proportion which our shipping bore to that of the United States, in the trade with the United Kingdom, was 7½ per cent., while the proportion of our shipping now is 35 per cent.; so that, even in that case, we have been gaining ground.

It might be asked why, if foreigners have such decided advantages over us, they do not supersede us where the trade is open to them as well as to us? and why we command the trade, as we do, between Europe and the South American States?— or, indeed, before the navigation laws were altered, why the preference was invariably given to a British ship whenever the trade was free? In fact, there is a decided superiority in our vessels and our seamen; and,—what everybody else can see but a shipowner, who has always got a monopoly in his eye,—nothing can benefit the shipowner more than to extend our commerce in every quarter of the world; and this can only be done by removing from it restrictions of every kind: and it really is lamentable to see a class of men like the shipowners siding so frequently with those who take narrow and selfish views of their own as well as their country's interest. I believe it is usual, on these

occasions, with those who uphold the timber monopoly, to urge the interest of the manufacturers in its behalf; and it is said that they are anxious to preserve it for the sake of the colonial market. I do not believe that the manufacturers are so foolish. I believe that they are too wise to distinguish between foreign customers and colonial customers; and what they feel the most is, that they have been deprived, against their will, of their foreign customers, by these and similar restrictions upon their commerce; and more especially do they complain of these duties on timber, which have tended so materially to disturb their intercourse with the North of Europe. I believe that no step could be taken that would be more satisfactory to the manufacturers of this country, than one which would tend to revive again a trade with those countries; for they feel — and most justly so, I believe — that every hour that this commerce is suspended, fresh manufacturing rivals are springing up in those countries, and that nothing would stay that competition more than greater facilities being afforded for the introduction of our manufactures; — and I am glad to see that my Honourable Friend the Member for Leeds has a notice of a motion, this evening, on the subject; for the time is now at hand when those countries, united under the German League, are about to agree upon the terms on which they wish to rest their commercial relations with other countries in future; and I believe it will just depend upon what we are disposed to agree to upon the subject of corn and timber, whether we shall be excluded, still farther than we are at present, from those markets? Considering, therefore, the great importance which belongs to this question, — the vast consequence which it is to the productive classes, of every kind, in this country, — and having shown, as I consider, that those who seek to continue the monopoly have no public or national ground on which to rest their claim, — I do hope that the House will consent to the motion that I now propose to it, "That this House do resolve itself into a committee of the whole House, to consider the duties now levied on foreign and colonial timber."

Mr. ALDERMAN THOMPSON. — Sir, however my Honourable Friend may deserve thanks for his able statement, I still must entirely differ from the conclusion to which he has come. The Honourable Member has anticipated that his proposition might be objected to on the ground of the period at which he brings it forward. This is, in my opinion, a minor objection. The objection I have to it is on principle. The Honourable Member states, that he supposes he will be met with the old story about colonies and shipping. I trust the House will always lend a willing ear to such "old stories," which relate to the best interests the country. The Honourable Gentleman has stated, that the sacrifice which the present duties involve the country in is not less than one of 1,500,000*l.* sterling per annum; but, in arriving at this conclusion, the Honourable Gentleman has supposed, most erroneously, that, under a change of system, the same quantity of timber could be brought from the North of Europe to this country as is now brought, at the same price. If the Honourable Member had gone further into the Report of the committee of 1835, he would have found the opinion of many competent witnesses to have been, that, if you increase the supply of timber from the North of Europe, this increased supply would speedily enhance the price to a great extent; because, even as it is, the forests on the banks of navigable rivers are cut to a considerable extent, and you would soon have to resort to the forests in the interior, which would involve a greatly increased charge for transport. I apprehend that the Honourable Member's object is to carry into effect the recommendation of the committee of 1835, by means of a Bill. That recommendation was, to have, on colonial timber, a protection of only 15*s.* a-load; the duty on Baltic to be 25*s.* It is quite clear that this would be no bounty or protection to Canadian timber; and surely it would be an act of the greatest impolicy, in every point of view, to destroy the trade in the only important article of export from our Canadian colonies to this country.

According to the official documents, it appears that nearly 4,000,000*l.* of British manufactures are sent to those colonies every year, and that the returns are between 2,000,000*l.* and 3,000,000*l.*, and not 500,000*l.*, as the Honourable Gentleman represented. The Honourable Gentleman is quite mistaken in supposing that the colonists are indifferent to the maintenance of the trade on the present system. There are the clearest proofs that such is not the case. I will take the liberty of reading the Report of a committee appointed by the Canadian Legislature in consequence of the alarm created by the Report of 1835. The Report is dated 1836, and states, —

From a consideration of the evidence advanced

before this committee, we feel warranted in coming to the conclusion, that the adoption of the proposed alteration in the duty would reduce the timber trade of this province to one third of its present amount. The number of persons who derive their subsistence from cutting timber, is estimated at 24,000, who would all be thrown out of employment by the change.

The conclusion of the Report is as follows: —

Resolved, that an Address, founded on the foregoing statement, shall be forwarded to the Imperial Parliament, praying it to make no change in the duty, but to leave the colony in the enjoyment of its trade without any alteration.

As to the statement of the shipping interest engaged in the trade, the Honourable Gentleman here, too, is altogether in error. It is quite true that the number of vessels employed in this trade amounts to only about 800, and that the seamen navigating them are 2200 in number; but the Honourable Gentleman is quite incorrect in stating that these vessels always make two voyages a-year, each. The fact, on the contrary, is, that not one in three make two voyages a-year; so that the Honourable Gentleman's statement that only 630 vessels are engaged in it is quite a mistake. The Honourable Member has represented that, since the alteration in the navigation laws, there has been a vast increase in the shipping trade of this country, as compared with the shipping trade of other countries. That is very true as respects the general trade; but the same ratio would not hold good, if taken in reference to this class of trade in Prussian, Norwegian, and Danish shipping. Nothing, I repeat, could be more impolitic than for the House to adopt a change tending immediately to destroy the trade which has been so long established between this country and Canada. Nothing could be more calculated to encourage, on the part of the colonists, a desire for separation from the mother country. As to the idea that the working classes would be benefited by a change in this respect, I cannot conceive how such a theory could have entered the Honourable Gentleman's mind. If the House were to transfer the timber trade from Canada, this would at once deprive the British manufacturers of a very large customer, and inflict a most serious injury on the country. The Honourable Gentleman stated that Canada timber was altogether excluded from our dockyards and public works; but I am not aware of that fact. I believe the timber is very generally used.

Mr. WARBURTON.— Sir, I am very much surprised that the Right Honourable Gentleman below me should sit silent, after the observations of the Honourable Alderman opposite. It appears that, upon the calculations that have been made, the amount which this country would gain by the establishment of a free trade with the North of Europe is not less than 1,000,000*l.* per annum. Now, when the expenditure and income of this country are so exactly balanced that Honourable and Right Honourable Gentlemen on the other side of the House say that we have no means of venturing upon any measure of financial reform, — however widely beneficial it might be, and however much desired, — I think it is time for the House to consider whether, by the revision of the laws affecting any branch of our foreign trade, we could obtain such a margin of income above expenditure as would give room for financial reforms. It is said that a great number of shipping would be thrown out of employment by a free trade in timber. I do not believe it. I do not believe that this country avails itself of the advantages which it has for the employment of its shipping. How much might be done to increase such employment by colonisation! We find ports, not in existence four years ago, in which there are now large numbers of vessels; — why not obtain the same advantages for others of our colonies by similar means? The corn trade, also, might be made an immense source of employment, — and why do we not avail ourselves of it? I, so far from regretting the small excess of income over expenditure, really believe that nothing will force the Legislature to the proper consideration of these subjects, but their being driven to the conclusion that, in order to increase the income, they must either open some new branches of foreign trade, or impose new taxes. When they are driven to that alternative, as I hope they will be, — to choose between opening their ports to goods from the cheapest markets, and imposing new taxes, — I believe that what seems now to be regarded as the exploded doctrine of free trade, would again find favour with the Legislature. Having expressed my opinion very fully on this subject before the committee which sat upon it, I do not think it necessary, now, to go into details. I will only say that I still hold the same opinions which I expressed then, when I was a merchant engaged in the timber trade.

Mr. P. THOMSON. — Sir, I do not concur with my Honourable Friend the Member for Bridport, that it is the duty of a Member, in my position, always to

rise second in a debate. My object was, to hear the opinions of Gentlemen on all sides of the House, previously to expressing my own. Now, I am very glad that my Honourable Friend the Member for Wolverhampton has brought this subject under the consideration of the House. But I conclude that my Honourable Friend, from his not proposing any specific plan to the House, — as he would be bound to do the moment we went into committee, — and, as I am bound to state, even before the House could consent to go into committee, — intended only to call public attention to this very important subject, and does not think it desirable, or that it would be of any use, to press his motion to a division. I am glad that my Honourable Friend has brought it under the consideration of the House; and I willingly admit that I am one of those who regret that subjects of this kind do not attract more of the attention of Parliament. It might be said to me, "If such be your opinions, why do you not, yourself, introduce matters of this description to the House?" That might be said; but I cannot help feeling that I must be guided by what appears to be the taste and feeling of the House. If I find that there is a general apathy as to such discussions, and that they do not receive attention from the House, it would be unbecoming in me to press them forward; and I do not think that bringing them forward under such circumstances would be attended with any practical advantage. I do not conceive that I could introduce, with any chance of success, a measure founded on the Report of the committee of 1835, for a general alteration of the timber duties. From the state of parties, here, it would, very likely, be made a party question; and, supposing, it to be treated as a party question by the other side of the House, as it very naturally would be, those on my side of the House, who represent interests opposed to a change, would join with the Opposition, and thus render the success of any such measure impossible. A similar measure was lost on a former occasion by a majority of 25. In the year 1835, I obtained a committee, in which the question was much debated; and, after much contest, a Report was agreed to, by no very considerable majority. My opinion is not at all changed since that time. I am satisfied that the whole system of timber duties is extremely bad. It is injurious to many interests, and not beneficial to any, to the extent that has been represented, — not even to the shipping interest, or to the colonists themselves. At the same time that I express these views, I am not prepared for any violent or sweeping change in those duties, such as might seriously affect or destroy existing interests. I think, however, that some middle term might be found. I believe that the shipowners exaggerate to the greatest possible degree the loss they would sustain by a change. The Honourable Alderman, on the other side, has talked of an entire transfer of the trade from Canada to the countries about the Baltic, as the result of a change. My Honourable Friend tried to establish the same thing before the committee, but signally failed. It was proved, distinctly, to the committee, that the quality of a portion of the Canadian timber had materially improved of late years, and that, under a moderate and fair protection, it would still continue to come into this country. There is another large portion of it used for what may seem a trifling purpose, but which is not so in reality, — I mean that which is used for packing cases, and which would still come from Canada. So would the timber, that is used for the inner fittings-up of houses and window-cases. It was distinctly proved before the committee, and not attempted to be disproved, that a large portion of the timber now imported would, under a free trade, still come from Canada. It may be asked, — What, then, would be the advantage of a free trade? The advantage would be this, — that that portion of Canada timber which is now used for purposes for which it is unfit, would be replaced by timber from the Baltic. I think my Honourable Friend the Member for Sunderland has pushed his argument a little too far. I do not wish to enter into figures and documents, now; but I must say that my Honourable Friend appears to be a glutton at protection! My Honourable Friend says, "Could you refuse this protection of 45*s.* a-load to Canada timber?" Canada timber pays only 10*s.* a-load, and Baltic timber 55*s.*, and my Honourable Friend wonders how we could think of refusing such a protection. Now, considering that the cost of Canada timber, put on board at Quebec, is 18*s.* a-load, this premium of 45*s.* is not very trifling. But my Honourable Friend is not satisfied with a premium which is only two and a half times the first cost of the article which it is intended to protect. I do not believe that my Honourable Friend, looking over the whole Customs of the country, — or, indeed, of any country, — would find any other article to which such an exaggerated protection is applied. I do not believe that those persons to whom the timber trade gives employment in

Canada, would be affected by a change to the extent that is asserted. I do not believe that anything like a total transfer of the trade would take place; and if my Honourable Friend opposite (Mr. Alderman Thompson) could establish such a conclusion, it would only prove that the Honourable Member for Wolverhampton did not exaggerate in estimating the loss to this country from the timber duties at 1,500,000*l*. I do not believe either in the transfer or the amount of loss; but, certainly, the one depends upon the other; and if the total transfer could be proved, then it would appear obviously better and cheaper to compensate every party engaged in the trade, than that the country should submit any longer to so great a loss. Neither do I believe that England would lose any of the carrying trade by a change in those duties. English ships are, at present, carriers in the Baltic to a much greater extent than any other nation. I am perfectly willing to admit that this is a subject which must come under consideration. There are difficulties, however, in dealing with this question, arising from the present state of the colonies, which it is necessary fully to consider. However unfounded we may consider their views of the utility of this trade, we must watch our opportunities, and avoid what might add another grievance to the many that are already complained of. All I can say is, that I cannot now give any pledge on this subject, but it certainly shall receive the best attention of Government.

Mr. VILLIERS.—I beg to express my satisfaction at finding that the Right Honourable Gentleman retains his former opinions on this subject; and I must say that, if I had considered the interests and wishes of the country to be identified with the taste and feelings of this House, I should not have obtruded this motion upon their attention. But I brought it forward for discussion, believing that only by repeated discussion will the country be brought to see the great interest which it has in the alteration of the present system. I am sorry to observe so thin an attendance; and, in the present state of the House, I do not think it advisable to press my motion to a division.

Motion, by leave, withdrawn.

PUBLIC RECORDS.

Mr. HODGSON HINDE.—I do not believe that any opposition is intended to be offered to the motion of which I have given notice. It is notorious that, in the last Session, an Act was passed, vesting in the custody of the Master of the Rolls the public records of the kingdom; and, as the object of my motion is well known, I need not take up the time of the House by entering upon any statements. I shall, therefore, merely beg leave to move for a — "Return of any appointments made, and rules, orders, and regulations established, by the Master of the Rolls, for the custody and preservation of the public records, under the Act of 1 and 2 Vic. c. 94.; with a detailed statement of expense under the several heads of sorting and repairs, calendars, transcribing, printing, and salaries."

On the question being put,—

The CHANCELLOR of the EXCHEQUER said:—I have no objection to the production of these papers; but I cannot allow this opportunity to pass, without bearing testimony to the great labour and indefatigable exertions which have been bestowed by the Master of the Rolls upon this subject, — acting, moreover, as the House is aware he does, gratuitously. The Honourable Gentleman, and every one who has paid attention to this subject, must be aware that this matter can never be put upon a satisfactory footing till the various Record Offices are united. All the present arrangements are but temporary; and it would be a waste of money to lay it out on this matter just now, when a concentration is contemplated. With respect to the catalogues of the records, I may state that it is our intention to have a central place where they are to be published; for, next to the records themselves, the greatest convenience is, to have ready access to the catalogues of them.

Mr. WYNN.—I agree with the Right Honourable Gentleman, that nothing effective will be done till some proper office be provided for the records of the kingdom.

The motion was then agreed to.

HISTORIANS OF GREAT BRITAIN.

Mr. HODGSON HINDE.—In calling the attention of the House to a publication which, some time ago, was considered of great interest, it will not be necessary for me to enter upon the subject at any great length. At the same time, I feel it incumbent upon me to state, shortly, the

steps which were taken in that publication, and the causes which have led to its discontinuance. The work was originally intrusted to a learned gentleman every way qualified for its superintendence, as was testified by Sir James Mackintosh and Mr. H. Gurney. The gentleman I allude to—Mr. Petrie—commenced operations, and was employed in examining various manuscripts of our ancient historians, deposited in the British Museum and other places. Some time afterwards, the Record Commission appointed a committee to inquire into the progress of the work; and, from the portion of their Report which was published, the House will see that that committee entirely agreed with Sir James Mackintosh and Mr. Hudson Gurney in their opinion; for the Report stated, that the execution of that part of the work which was completed, was in every way worthy of the reputation of its editor. Mr. Petrie's health, however, which for some time had been weak, continued in so unsatisfactory a state that it was impossible to say when he would be able to renew his labours. Now, I do not question the motives by which the Record Commission was actuated in the course they pursued; but, some time afterwards, Mr. Petrie received an intimation that the work was taken out of his hands, and since then no steps have been taken towards its completion. Mr. Petrie stipulated for no salary; but when a certain part should be completed, he was to receive *quantum meruit* for time and labour; and he has, as yet, been paid nothing. Not that Mr. Petrie complains of that,—for the reputation he hopes to acquire by the execution of the work will be far more grateful to him than any pecuniary compensation could be. The House will see, by the Return, that the total expense which has been incurred on this work is 2086*l.* 14*s.* 10*d.* Now, it is what we owe to this country, and to the economists of this country, to state whether the purposes for which this sum has been expended have been adequately realised. The terms of the motion I am about to submit are full, because I did not consider it proper to limit ——

An HONOURABLE MEMBER.—I move that the House be counted.

Mr. HODGSON HINDE.—In less than two minutes, I should have concluded.

The House was then counted; and, forty Members not being present, the House was adjourned at half-past seven o'clock.

HOUSE OF COMMONS, MERCURII, 10° DIE JULII, 1839.

PRIVATE BUSINESS.

Eckington Small Debts Bill. — Order (30th of May) for committing Bill, read, and discharged. — Bill withdrawn.

Eckington Small Debts (No. 2.).— Petition for Bill, and Report thereupon, read.—Another Bill ordered to be brought in by Mr. GEORGE CAVENDISH and Mr. BROTHERTON. — Leave given to present the Bill on or before Monday next.

Grantham Small Debts Bill. — Report (24th of June) from the committee on the Bill, read. — Bill withdrawn.

Grantham Small Debts (No. 2.). — Petition for Bill, and Report thereupon, read.—Another Bill ordered to be brought in by Mr. WELBY and Mr. HANDLEY.— Leave given to present the Bill on or before Monday next.

Belfast Water (No. 2.) Bill. — Leave to committee to sit this day till five of the clock, during the sitting of the House.

Marquess of Cholmondeley's Estate Bill. — Read a second time, and committed to Mr. CHUTE and the East Norfolk list.

Redcar Harbour.— Petition of owners, masters, and mates of vessels trading between London and the northern and eastern ports of England and Scotland, for the construction of a harbour of refuge at Redcar. — To lie on the table.

Belfast Water Bill. — Power to committee to make a special Report.

Belfast Water Bill. — Report, "That the parties promoting the Bill had stated, that, in consequence of two persons — namely, James M'Cleery and William Radcliffe, of Belfast, whose evidence they considered essential — having refused to attend, unless ordered to do so by the House of Commons, they were unable to proceed with their case, and applied to the committee to issue a summons for the attendance of the said James M'Cleery and William Radcliffe:

"That the committee, having taken the application into consideration, and being satisfied of its propriety, had directed the circumstances to be reported to the House, and to request that power should be granted to the committee to send for the parties above mentioned."

Ordered, That James M'Cleery and William Radcliffe do attend this House upon Tuesday next.

The following papers referred to the committee: — 1837. Belfast Waterworks (No. 1.).—Feb. 8.: Plan, Section, List of Owners, &c. Feb. 10.: Petition for Bill. Belfast Waterworks (No. 2.).— May 10.: Petition for Bill. 1837. Belfast Waterworks (No. 1.).—Dec. 21.: Plan, Section, &c. Petition for Bill. March 27.: Petition of A. J. Macrory. March 29.: Transverse and longitudinal Section of Reservoir. April 1.: Petition for further time. April 5.: Petition of A. J. Macrory, in favour. 1837. Belfast Waterworks (No. 2.).— Dec. 28.: Two Plans, Sections, and Book of Reference. 1838. Feb. 2.: List of Owners, &c. Petition for Bill. March 12.: Petition of Charitable Society, against.

PUBLIC BUSINESS.

LUDLOW BOROUGH ELECTION.

Petition of George Hooper and others, electors, praying to be admitted parties to defend the return in the room of Thomas Alcock, Esquire. — Act (9 Geo. IV. c. 22. s. 10.) read.

Ordered, That the petitioners be admitted parties to defend the return, according to the prayer of their petition.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Stage Coach Duties, — By LORD VISCOUNT POWERSCOURT and Mr. G. PALMER, for repeal,—from Bath, and other places; and Essex.

Education, — Against the proposed scheme, — from Winkfield; Trelleck; and Penalt.

Of the moderator of the Exeter Assembly of Ministers, in favour of the proposed scheme.

Postage, — By Mr. WILBRAHAM, LORD WORSLEY, Mr. V. SMITH, and Mr. WAKLEY, for a low and uniform rate, — from Blyton; Grimsby; West Cowes; Caistor; Beckingham; Congleton; Newton; Barton upon Humber; Owston; Marton; Gainsburgh; Northampton; Finsbury, and neighbourhood (three petitions); members of the council of the British Medical Association; London and suburbs; St. Ives (Huntingdon); Wexford; Roscrea; Bridge; Isleworth; establishment of Sir Henry Meux and Co., brewers, London; John Whitehouse and Sons, Regent's Canal Basin, City Road, London, &c.; Pickford and Co., City Basin, Wood Street, and Regent Street, London; and Pearce and Countze, Long Acre, London.

Prisons Bill, — From Winkfield, against.

Germanic Commercial League, — By Mr. BROTHERTON, — from Bradford, York, for securing the attendance of a representative of the British Government at the approaching sitting at Berlin.

Bank of Ireland Charter, — By Mr. O'CONNELL, — from New Ross, against renewal.

Church Establishment (Canada, &c.), — By LORD G. SOMERSET, for extension, — from Rugland; and Landenny.

Shannon Navigation Bill, — By LORD SANDON, — of the managing director of the City of Dublin Steam Packet Company, against the introduction of any clause annulling the agreement made by the Grand Canal Company with the petitioner, in regard to tolls.

Richard M'Cormick, — By Mr. WAKLEY, — of Richard M'Cormick, complaining of extortions in the army.

Medical Profession (Ireland), — By Mr. WAKLEY, — from Nenagh, for providing adequate compensation for their attendance at coroners' inquests, &c.

Metropolis Police and Metropolitan Police Courts Bill, — By Mr. WAKLEY, against, — from chairman of a meeting of the vestry of Woolwich; and chairman of the Lambeth Political Union.

Church of Scotland, — By Mr. COLQUHOUN, in support, — from Muirkirk; and Kirkintilloch.

Maynooth College, — By LORD SANDON and Mr. KEMBLE, against further grant, — from Wigan; Kirriemuir; Alloa; Erskine; and Uttoxeter.

Factories Bill, — By Mr. P. THOMSON, — from Manchester, against.

Poor Law Commission Continuance Bill, — By Dr. LUSHINGTON, — of the chairman of a meeting of inhabitant householders of St. Leonard, Shoreditch, against.

Collection of Rates Bill, — By Dr. LUSHINGTON, — of the chairman of a meeting of inhabitant householders of St. Leonard, Shoreditch, against.

Bonded Corn, — By Dr. LUSHINGTON, — of John Asser, for permitting foreign corn to be ground in bond, for exportation.

UNIVERSAL SUFFRAGE, &c.

Mr. WAKLEY. — I have another petition, Sir, to present, from Newcastle-upon-Tyne, and signed by the mayor of that town, praying for vote by ballot, an extension of the suffrage, and short Parliaments; and, as the first step to the attainment of these objects, advising her Majesty to dismiss her present Ministers, "whose insidious designs upon the liberties of the people, whose want of independence, whose cruelty to the poor, whose quackeries of legislation, and subserviency to foreign nations, have proved that they are totally unworthy of the continued confidence of the country."

[Laughter.]

COLONEL SIBTHORP. — I beg leave to say, Sir, that I very cordially support the prayer of that petition; at least, Sir, so far as it relates to her Majesty's Ministers.

[Renewed laughter.]

To lie on the table.

CANADA.

Copies or extracts presented, — of correspondence relative to the affairs of Canada (by command). — To lie on the table, and to be printed.

In presenting these papers, Mr. LABOUCHERE said: — I wish to take this opportunity of stating, in reply to a question put to me, yesterday, by the Right Honourable Baronet the Member for Tamworth, whether any despatches had been received from Sir John Colborne, expressing an opinion that it would be desirable to extend the powers of the Legislative Council beyond the year 1842, in order to give confidence, and induce persons to proceed with various local improvements,— that I have, since, narrowly examined into the late despatches; and I find that Sir John Colborne has expressed a very decided opinion to that effect. I therefore lay the necessary papers on the table, that they may be printed with as little delay as possible, and that the House may have an opportunity of judging as to the course which it will be proper to pursue.

GERMANIC COMMERCIAL LEAGUE.

Mr. BAINES. — I wish to know whether her Majesty's Government have directed their attention to the approaching meeting of the German states at Berlin, relative to the Germanic Commercial Treaty? and whether it is their intention to send an envoy to watch over the interests of this country, and to endeavour to have them placed upon a more advantageous footing?

Mr. P. THOMSON. — I can assure the Honourable Member that this subject has received the utmost attention from her Majesty's Government. It is not intended to send out what is termed an envoy; but a gentleman who is well acquainted with all the details of the subject will be sent out, for the purpose of assisting the British authority, there, to obtain such changes as shall be considered beneficial to the interests of this country.

SLAVE TRADE (PORTUGAL).

Bill "for the more effectual Suppression of the Portuguese Slave Trade," ordered to be brought in by LORD VISCOUNT PALMERSTON and LORD JOHN RUSSELL.

PORTUGUESE CLAIMANTS.

LORD VISCOUNT SANDON. — In the month of July last, I put certain questions to the Noble Lord the Secretary for Foreign Affairs, relative to the claims of British merchants on the Portuguese Government, when the Noble Lord informed me that every exertion would be used to bring about an adjustment of those claims, by the appointment of a commission. I now wish to ask the Noble Lord whether, since that period, any progress has been made towards the settlement of these claims? — whether, in fact, a single claim has been settled? and whether the Noble Lord, himself, is satisfied with the conduct of the commission?

VISCOUNT PALMERSTON. — I certainly have not lost sight of the subject; and have, from time to time, urged upon the Portuguese Government that those claims should be disposed of. With regard to the commission, I have had no complaint made to me that they have not acted fairly; and I have lately heard of two claims having been completely and satisfactorily adjusted.

CATHEDRAL AND ECCLESIASTICAL PERFERMENTS BILL.

Second reading to-morrow.

SUPPLY.

Resolutions reported: —

1. That a sum, not exceeding 28,839*l.* be granted to her Majesty, for defraying the charge of the British Museum, for the year ending Lady Day, 1840.

2. That a sum, not exceeding 77,000*l.*, be granted to her Majesty, to defray the charge of salaries and expenses of the two Houses of Parliament, and of allowances to retired officers of the two Houses, to the 31st day of March, 1840.

3. That a sum, not exceeding 48,000*l.*, be granted to her Majesty, to pay the salaries, contingent and other expenses of the department of her Majesty's Treasury, to the 31st day of March, 1840.

4. That a sum, not exceeding 19,580*l.*, be granted to her Majesty, to pay the salaries and expenses of the office of her Majesty's Secretary of State for the Home Department, to the 31st day of March, 1840.

5. That a sum, not exceeding 56,117*l.*, be granted to her Majesty, to pay the salaries and expenses in the department of her Majesty's Secretary of State for Foreign Affairs; also, of the foreign messengers attached to the department, to the 31st day of March, 1840.

6. That a sum, not exceeding 17,678*l.*, be granted to her Majesty, to pay the salaries and expenses in the department of her Majesty's Secretary of State for the Colonies, to the 31st day of March, 1840.

7. That a sum, not exceeding 24,000*l.*, be granted to her Majesty, to pay the salaries and expenses in the department of her Majesty's Most Honourable Privy Council and Committee

of Privy Council for Trade, to the 31st day of March, 1840.

8. That a sum, not exceeding 35,755*l.*, be granted to her Majesty, to defray the charge of the office of her Majesty's Paymaster General, to the 31st day of March, 1840.

9. That a sum, not exceeding 17,520*l.*, be granted to her Majesty, to pay the salaries and contingent expenses in the departments of the Comptroller General of the Exchequer, the Paymaster of Exchequer Bills, and the Paymaster of Civil Services, to the 31st day of March, 1840.

10. That a sum, not exceeding 2006*l.*, be granted to her Majesty, to defray the charge of the salaries and allowances granted to certain professors in the Universities of Oxford and Cambridge, to the 31st day of March, 1840.

11. That a sum, not exceeding 12,500*l.*, be granted to her Majesty, to defray the charge of the salaries of the Commissioners of the Insolvent Debtors Court, of their clerks, and the contingent expenses of the court and office, to the 31st day of March, 1840; also, of the expenses attendant upon the circuit.

12. That a sum, not exceeding 17,000*l.*, be granted to her Majesty, to defray the expense of the General Penitentiary at Millbank, to the 31st day of March, 1840.

13. That a sum, not exceeding 5300*l.*, be granted to her Majesty, to defray the probable expense of providing for the prison for juvenile offenders at Parkhurst, in the Isle of Wight, to the 31st day of March, 1840.

14. That a sum, not exceeding 2137*l.*, be granted to her Majesty, to defray the charge of the salaries and expenses of the State Paper Office, to the 31st day of March, 1840.

15. That a sum, not exceeding 5100*l.*, be granted to her Majesty, to defray the expenses of the commission for digesting the several statutes relating to criminal and other law.

16. That a sum, not exceeding 1465*l.*, be granted to her Majesty, to defray the expenses of the commission for inquiring into the condition of the unemployed handloom weavers, to its final close.

17. That a sum, not exceeding 103,618*l.*, be granted to her Majesty, to defray, to the 31st day of March, 1840, the charge of the salaries of her Majesty's consuls general, consuls, and vice-consuls abroad, and of the superintendents of trade at Canton; also, of the contingent expenses connected with the public duties of such consuls general, consuls, and vice-consuls, and superintendents of trade.

18. That a sum, not exceeding 87,785*l.*, be granted to her Majesty, to defray the charge of allowances and compensations to persons formerly employed in the public offices or departments, or in the public service, to the 31st day of March, 1840.

Resolutions agreed to.

INDEMNITY BILL.—ASSESSED TAXES COMPOSITION BILL.—SOAP DUTIES DRAWBACK BILL.

Committees to-morrow.

PAROCHIAL CURE OF SOULS BILL.

Report to-morrow.

TURNPIKE ACTS CONTINUANCE BILL.

Reported; to be read a third time to-morrow.

PLEADINGS IN COURTS (INDIA) BILL.

Read a third time, and passed.

METROPOLIS POLICE BILL.

Reported by Mr. Fox MAULE.

On the motion that it be recommitted,—

Mr. HUME said:—I wish to know whether the Government have taken into consideration the proposition I made to them,—that the money necessary for the maintenance of the metropolitan police force should, instead of being paid out of the Consolidated Fund, as at present, be voted annually by the House?

LORD JOHN RUSSELL.—I cannot agree to the proposition of the Honourable Gentleman.

Mr. HUME.—The question is one of great public importance; and I should be glad to know on what occasion I can have an opportunity of taking the sense of the House upon it?

LORD J. RUSSELL.—The Honourable Member may do so at any time, by submitting a motion to repeal the law under which the present mode of paying the charge is fixed.

Mr. T. DUNCOMBE.—I wish, before the House goes into committee on this Bill, to put a question to the Noble Lord, respecting the recent proceedings in Birmingham. I am anxious to learn whether the accounts that have appeared in the papers of this morning, as to the conduct of the police during the recent riots in Birmingham, are correct, or not? If they are, I must say that nothing could have been more disgraceful than the conduct of the police on the occasion, and that the sooner they are withdrawn from Birmingham the better. If the Noble Lord is not aware of the accounts to which

I allude, I will read one to the House. It is this:—

Yesterday evening the military were again called out. There was a great assemblage of the people in the different parts of the town, but no indication of a riot until the police made their appearance. At seven o'clock, a troop of the Royal Irish dragoons galloped down Moore Street, and was quartered in the Woolpack, an inn adjoining the Public Office. At eight o'clock, the rifles on duty at the Public Office turned out, and formed an advanced guard, leaving open spaces in their ranks for several squadrons of dragoons, who, at that moment, came at a brisk trot down Moore Street, taking their station in the Bull Ring. A large body of the metropolitan police followed, supported by several companies of rifles. The dragoons were stationed in all the avenues leading to the Bull Ring; after which, no one was allowed to pass these lines. After some time, the police divided into sections, each section followed by a troop of dragoons. Immense crowds were attracted to the spot at this moment, and wherever the police saw them congregated, they commenced an indiscriminate attack with their staves. Great confusion followed: men, women, and children were thrown down and trampled upon, while the police beleaguered them right and left. Broken heads and arms, with other severe wounds, were the result. One man, who was returning from his work, had his teeth knocked out. The poor fellow exclaimed, "Am I in England?" Several special constables came up at this time, and expressed their horror at such proceedings. The police have made themselves so unpopular here, that it is the opinion of many, that there will be no peace in Birmingham so long as they are left in it.

LORD JOHN RUSSELL. — From what paper has the Honourable Gentleman taken this account?

Mr. T. DUNCOMBE. — From the *Morning Chronicle* of this day.

LORD J. RUSSELL. — All that I can say is, that I totally and entirely disbelieve it. I, this morning, received a letter from the mayor of Birmingham, giving a statement of circumstances wholly different from the account which the Honourable Member has just read. The letter concludes by affirming that the town was nearly restored to its ordinary state of quiet, and that very little delay would occur before business proceeds in its usual course.

Mr. T. DUNCOMBE.—Does the letter contradict the statement as to the alleged violent proceedings of the police at Birmingham?

LORD JOHN RUSSELL. — There is no specific contradiction of the details of the statement read by the Honourable Gentleman, as it is not probable that the writer could have seen that statement; but the general account of what has taken place renders it extremely unlikely that any such circumstances have occurred.

Mr. W. WILLIAMS. — Perhaps the Noble Lord will state the nature of the account that he has received respecting the occurrences of Monday?

LORD JOHN RUSSELL. — The account which I have received states, that on Monday evening large bodies of persons were congregated together in the streets of Birmingham, many of them armed with bludgeons; that great inducements had been held out to the colliers in the neighbourhood of that place to join them; and that the police had been called upon to disperse the hordes of persons thus assembled together,—which they did with some difficulty.

Bill recommitted; resolutions (24th of June) read; instruction to committee, that they have power to make provision therein pursuant to the said resolutions; Bill considered in committee.

Clause (pursuant to instruction), "An additional yearly sum, not greater than twopence in the pound, upon the additional rental assessed to the metropolitan police, to be issued out of the Consolidated Fund," read a first and second time. Motion made, and question put, "That the clause be added to the Bill."

Mr. HUME. — Sir, I object to the clause. I wish that the payment should be provided for, annually, by the House itself, and that, thus, Parliament should have an opportunity of canvassing and discussing the vote. The recent proceedings at Birmingham prove the necessity of having this constitutional check. In former times, the military were called in aid of the civil power when required; but this is a new force which is made to serve the purposes of the military, though it was never intended that they should be sent about the country in the way that they have lately been. The vote ought to be taken annually, as it is for the army, navy, and other services; and, on these grounds, I shall move that the clause (13.) be struck out.

COLONEL WOOD. — I shall, certainly, vote for the amendment of the Honourable Member for Kilkenny. It is, in my opinion, quite clear that this money should be granted by annual vote. It

appears, by the Treasury Returns, that the amount expended on it in 1838 was 83,000*l.*; although, by law, it was limited to 60,000*l.* Besides this, there is 50,000*l.* paid from the Consolidated Fund. I think, for all these reasons, that the matter should come under the annual consideration of the House.

LORD J. RUSSELL. — The police force is not one extending throughout the whole country, but is employed in particular cases, when the country constabulary is inadequate; and it seems to me that the country — whether the money for their maintenance is voted in the supplies, or otherwise provided,— has a right to expect the aid of an efficient civil force being afforded. The Honourable Member seems to object to the recent employment of the force in Birmingham: I am, however, satisfied that this application of the metropolitan police is much better than the aid afforded twenty years ago at Manchester, when the yeomanry was called out.

Mr. HUME. — I do not object to the amount required, but to the principle, that any force should be used like a military force, without being under the control of Parliament in the same manner as the army. It is like placing three or four regiments at the command of the Government.

Mr. S. O'BRIEN. — I think the question is one of much importance, and I trust the Honourable Member for Kilkenny will persist in dividing the House on it. I confess I partake very much of the general jealousy which exists against the existence of a police force, acting solely under the directions of the Secretary of State. I think that, although under recent circumstances they may have done good service, yet a force of 8000 men is a very serious consideration, and a very fit subject for annual revision by this House. However, I quite agree with the Noble Lord that the force may be occasionally employed out of town with beneficial results.

Mr. HAWES. — I shall give my vote in favour of the clause. The greater portion of the expense of the metropolitan police falls on the county rates; and the effect of rejecting this clause will be to deprive the metropolitan districts of this force.

Mr. EWART. — I have always been of opinion that a force of this kind should be under the continuous supervision of the representatives of the people; and that, this being so, the people would the more readily obey them. On constitutional grounds, therefore, I shall support the amendment of the Honourable Member for Kilkenny.

Question put, "That this clause stand part of the Bill."

The committee divided: — Ayes 107; Noes 25; — Majority 82.

AYES.

Acland, T. D.	Liddell, Hon. H. T.
Adam, Admiral	Lowther, J. H.
Ashley, Lord	Lushington, C.
Baring, F. T.	Lushington, Rt. Hon. S.
Baring, H. B.	Macaulay, T. B.
Barnard, E. G.	Mackenzie, T.
Barrington, Lord Vt.	Mackinnon, W. A.
Blair, J.	Macleod, R.
Blake, W. J.	Mahon, Lord Viscount
Briscoe, J. I.	Marshall, W.
Broadley, H.	Maule, Hon. F.
Brownrigg, S.	Maunsell, T. P.
Bryan, G.	Morpeth, Lord Visct.
Buck, L. W.	Norreys, Lord
Buller, Sir J. Y.	Oswald, J.
Burroughes, H. N.	Packe, C. W.
Butler, Hon. Colonel	Paget, F.
Campbell, Sir J.	Palmerston, Lord Visct.
Canning, Rt. Hon. Sir S.	Parker, J.
Chetwynd, Major	Perceval, Hon. G. J.
Craig, W. G.	Philips, G. R.
Crawford, W.	Redington, T. N.
Crompton, Sir S.	Round, C. G.
Curry, Mr. Serjeant	Round, J.
Dalmeny, Lord	Rushbrooke, Colonel
Darlington, Earl of	Rushout, G.
Donkin, Sir R. S.	Russell, Lord J.
East, J. B.	Rutherfurd, Rt. Hn. A.
Egerton, W. T.	Sanford, E. A.
Ellis, J.	Sheppard, T.
Estcourt, T. (Oxf. U.)	Sibthorp, Colonel
Evans, W.	Sinclair, Sir G.
Fazakerley, J. N.	Slaney, R. A.
Fenton, J.	Somerset, Lord G.
Fremantle, Sir T.	Stanley, Hon. E. J.
Godson, R.	Stewart, J.
Graham, Rt. Hn. Sir J.	Stuart, Lord J.
Grosvenor, Lord R.	Strutt, E.
Hardinge, Rt. Hn. Sir H.	Sturt, H. C.
Hawes, B.	Style, Sir C.
Hayter, W. G.	Teignmouth, Lord
Hodgson, R.	Thomson, Rt. Hn. C. P.
Holmes, W.	Troubridge, Sir E. T.
Hope, Hon. C.	Turner, E.
Hoskins, K.	Waddington, H. S.
Howick, Lord Visct.	Wall, C. B.
Hughes, W. B.	White, A.
Hutt, W.	Williams, W. A.
Hutton, R.	Wilshere, W.
Ingestre, Lord Visct.	Wodehouse, E.
Inglis, Sir R. H.	Wood, C.
Jackson, Mr. Serjeant	Wrightson, W. B.
Knight, H. G.	*Tellers.*
Labouchere, Rt. Hon. H.	Grey, Sir G.
	Rolfe, Sir R. M.

NOES.

Aglionby, H. A.	Pattison, J.
Brotherton, J.	Rundle, J.
Bruges, W. H. L.	Salwey, Colonel
Chichester, J. P. B.	Thornely, T.
Duncombe, T.	Turner, W.
Evans, G.	Wakley, T.
Ewart, W.	Walker, R.
Fielden, J.	Warburton, H.
Harvey, D. W.	Williams, W.
Hector, C. J.	Wood, T.
Law, Hon. C. E.	
Leader, J. T.	*Tellers.*
Molesworth, Sir W.	Hume, J.
Muskett, G. A.	O'Brien, W. S.
O'Connell, D.	

Clause agreed to.

Clause 27., which empowers the magistrates to inflict a penalty of 10*l.*, or two months' imprisonment, upon persons resisting the police in the execution of their duty.

Mr. W. WILLIAMS. — Sir, it is my intention to move that the clause be expunged. It might operate in a very unjust manner upon persons who happened, accidentally, to be mixed up in a crowd, without taking part in any riotous proceedings, as has been the case lately at Birmingham. Such persons would, very naturally, be induced to resist a policeman who should attempt to take them into custody, and it would be hard to punish them so severely for so doing. Besides, will any one deny that in Birmingham, from the excited feeling prevailing there, at present, if a policeman were now to bring a person before a magistrate, he would obtain an immediate conviction? In my opinion, this clause gives a protection to the police which is not at all called for. But my principal objection is to the abuse that might spring up under it. It appears that this force is to be employed in different parts of the country; and wherever they are called in, collision is almost sure to take place; and now, here is a power given to the magistrates to punish the people in a manner perfectly unconstitutional in such cases.

Mr. FOX MAULE.— The Honourable Member will find it is no new power, for a similar provision existed in the 10th of George IV.

LORD J. RUSSELL.—I thought the understanding was, that the Bill was recommitted merely for the purpose of considering the money clauses, and I therefore object to going through the Bill, clause by clause.

Mr. T. DUNCOMBE.—I beg to say, in answer to the Noble Lord, that there was a clear understanding that the Bill was to be gone through, clause by clause. I see no use of going into committee at all, if the clauses are not to be subject to discussion. My Honourable Friend the Under Secretary of State says that the present is no new power. I maintain that it is a new power; because, by the 10 Geo. IV., it was provided, that the offending person should be carried before two justices of the peace, and, on conviction, fined only 5*l.*, with but one month's imprisonment.

Mr. FOX MAULE.—My Honourable Friend is mistaken as to the understanding on a former occasion. That understanding had reference only to the second clause, to which exception was taken. It was never proposed that all the clauses should again be brought under discussion.

COLONEL SIBTHORP.—I distinctly understood that it was merely the clauses in Italics which were to be again discussed.

Mr. HUME.—I should like to know, exactly, what is the law at present; because this appears to me to be a very stringent clause.

Mr. F. MAULE.—The 10 Geo. IV. provides, "that any person resisting the police force in the performance of their duty, or who shall excite others to resistance, shall, for every such offence, forfeit a sum not exceeding 5*l.*

Mr. HUME.—Then, it appears, the present clause doubles the penalty, and adds imprisonment.

The ATTORNEY GENERAL.—The clause has undergone careful revision, and the penalty has been reduced to 5*l.* The term of imprisonment has also been reduced, and the hard labour struck out. Besides, this Bill will have no operation beyond the metropolitan districts.

Mr. HARVEY.—I think the clause has considerable recommendations,—inasmuch as it places the strong and the weak man on a level. As the law now stands, it only punishes the poor man, while the rich man may treat it with contempt,—he throws down his 5*l.* to the magistrates, and proceeds to new offences. But when the magistrates shall have power to say, "You must go to prison for one or two

months," he will have a power of inflicting something like a punishment.

Mr. W. WILLIAMS. — I confess that my objection to this clause arises out of the information I have received since the House went into committee. In the metropolis, the clause may be good and necessary; but in the country districts it would be far otherwise.

The ATTORNEY GENERAL. — It will not operate there. The police sent down there, will be merely special constables, and will have no protection as policemen.

Clause agreed to.

Clause 28. agreed to.

Clause 29. (pursuant to instruction) ("That a salary, not exceeding the rate of twelve hundred pounds a-year, shall be paid, quarterly, to each of the commissioners, out of the Consolidated Fund") read a first and second time; motion made, and question put, "That the clause be added to the Bill."

Mr. WAKLEY. — Sir, I feel it my duty to move that this clause be struck out. It was considered that the original salary of 800*l.*, which was given to these commissioners by the measure of the Right Honourable Baronet the Member for Tamworth, was very high, — and at that time the force was in the course of organisation; consequently, the labours of the commissioners must have been, then, much more arduous than they can be now. I do not deny that the commissioners have acquitted themselves with zeal and ability; but that is not a sufficient reason for the proposed increase. Such a provision ought not to be introduced by an economical Government; and I shall divide the committee upon it, if I stand alone.

Mr. O'CONNELL. — I, for one, shall support this clause. I think there is no better economy than paying well those who work well. The operation of the Police Act has been most satisfactory, and the labours of the commissioners will be greatly increased by the present Bill. They have, hitherto, done their duty admirably, — uniting to the utmost diligence a sound discretion; while every one who has had occasion to communicate with them, has received the greatest attention at their hands.

SIR R. PEEL. — Sir, I feel bound, after the distinction taken by the Honourable Member for Finsbury between economical and extravagant Governments, to state, that I heartily approve of the proposal of the Government, which is by no means inconsistent with an economical administration of the affairs of the country. True economy consists in annexing to offices which involve great powers, a sufficient reward to tempt persons qualified to exercise them. When I introduced the present system of police, it was only an experiment, and I met with considerable opposition; but experience has convinced those who offered that opposition, that they were wrong. It was immediately after the passing of the Catholic Relief Bill, and I met with but little support. However, I persevered, and carried the measure. When I introduced that measure, I thought the salaries of the commissioners too low; and I hoped that the Government, whether I formed part of it, or not, would increase those salaries, when the beneficial effects of the measure should be fully felt, as I was then convinced they would be. I cannot conclude without saying that nothing could exceed the delicacy which the commissioners, themselves, have shown, in never offering anything like a suggestion as to the necessity of an increase in their salary, or could surpass their impartiality in the distribution of the patronage attached to their office.

SIR R. INGLIS. — Sir, as I was one of those who strenuously opposed the Police Bill, I trust I may be permitted to say, that nine years' experience has convinced me that I was mistaken in the view which I took of the New Police Act, when it was first proposed by the Right Honourable Baronet the Member for Tamworth. I think it a measure which, in its results, reflects great credit on the framers of it, and one which has conferred great good on the people of London. As to the merits of the individual case now before us, I trust there will be no difference, — or, if there be, that it will be so small as only to make the triumph of its supporters more conspicuous.

LORD J. RUSSELL. — I can add my testimony to that of the Right Honourable Baronet the Member for Tamworth, as to the manner in which the commissioners have conducted themselves; and can also say that, although they have submitted to me many suggestions for the purpose of increasing the efficiency of the police force, they have never suggested any increase of their own salaries. I

cannot concur in the argument that, because in the beginning the commissioners performed a very laborious and arduous task in organising and putting in operation the force, which has proved so efficient, they ought, now, to have a smaller salary.

COLONEL SIBTHORP. — Sir, I confess that I also opposed the Bill, originally; but I am so far from objecting to the clause, that I wish the principle to be extended to the pay of the superintendents, inspectors, and constables. I would be satisfied if the Noble Lord would give some pledge to take this suggestion into his consideration, with a view of stimulating the exertions of the police force, generally. I would propose, not only to increase the salaries of the commissioners, but those also of the persons in inferior departments. Those superintendents who have been sent to organise police for the great towns, have had their salaries increased. In Manchester, the superintendent has 600*l.* a-year; in Hull, 250*l.* a-year, and a house; in Southampton, 150*l.* a-year, and a house; and, in other places, the same to a greater or less extent. Now, Sir, when we look at the scale of salaries in the various Government offices, and compare them with those of the superintendents of police, we shall find them comparatively nothing. The salary of a superintendent is now but 200*l.* a-year, and the inspector 100*l.* I ask for them but a very moderate increase to those salaries. The number of superintendents is 17; and of inspectors, 73: for them I would ask an increase of 50*l.* a-year each. For the sergeants and men, I would ask an increase of 1*s.* a-week. I do not think that any reasonable man will oppose such a trifling increase.

Mr. FOX MAULE. — I do not think, considering the present state of wages throughout the country, that the present standard of pay is too low. Besides, the greater part of the increase suggested by the Honourable and Gallant Colonel would fall upon the ratepayers of the metropolis, and they have not evinced any wish for such increase.

Mr. PRYME. — Sir, I agree with the Honourable and Gallant Member opposite, that the force generally should be better remunerated. The wages of police constables should not be regarded in the same light as the wages of labourers. They should be placed above the temptation of receiving a bribe. It is necessary to repose considerable confidence in them; and it should also be recollected that they are soon worn out in the service.

Mr. BERNAL. — The committee will recollect that the question before them relates to the salaries of the commissioners only.

Mr. W. WILLIAMS. — Sir, I shall certainly support the amendment of the Honourable Member for Finsbury; for, although I do not question the efficiency of the commissioners, I do not think the finances of the country are in a state to warrant the proposed increase. By the Chancellor's statement, it appears that there is a defalcation of revenue, of 1,500,000*l.*, and the proposed reduction of postage will much increase it. I ask, is the country in such a state as to allow of increasing the salaries of public officers? Many of my constituents find it hard to get 10*s.* a-week for working fourteen hours a-day. They are not represented in this House, and therefore we ought to be cautious in taxing them. Under all the circumstances, I shall feel myself bound to resist an increase.

Mr. ESTCOURT. — Sir, I am in a somewhat different situation from my Honourable Friend, — having always approved of this force. I must support the proposed increase in the salaries of the commissioners, as considerable additional duties will be imposed on them. Now, even taking the narrow views of the Honourable Member for Finsbury, I think I can state strong grounds for this increase. He says, that, having obtained the services of the commissioners for 800*l.* a-year when the duty was severe, we should not increase the salary now that it has become familiar. But the Honourable Member is mistaken; because, when the salary was first fixed, it was only an experiment, and since that time there has been a considerable increase of duty imposed on them. Their districts have been very much extended; and therefore, I think that, even taking the Honourable Member's own view, good grounds exist for increasing the salary. I have been much in communication with those gentlemen, and can bear testimony to the admirable manner in which they perform their duty.

Mr. BRISCOE. — I wish to say one word, in reply to the charge of the Honourable Member for Finsbury, — that the present is not an economical Government. They were the first Ministers who reduced their own salaries by the amount of 1000*l.* a-year each.

Mr. WAKLEY.—Sir, notwithstanding what has been said, I continue of opinion that, in the present condition of the finances of the country, it is my duty to persist in opposing this clause. The Right Honourable Baronet the Member for Tamworth says he will support this clause. I believe he would do so, if the salary were twice as much as is proposed. I do not expect that above half a dozen will vote with me, as this House is always ready to lavish money on everything but the education of the people. But I wish the people to see the real character of this House, as I know that the worse we appear to them, the more general will be the cry for reform. It is impossible there can be any security for the people's rights, if, in a time of public distress,—a time when the poor are not remunerated for their labour,—the public money is thus to be given away. If, at the time of passing the Police Bill, an engagement was entered into with these commissioners to increase their salaries at a future time, I should not divide the House; but, otherwise, it can scarcely be considered right to add to the burdens of the country at this particular crisis.

SIR R. PEEL.—I would not for a moment leave the Honourable Gentleman in error. I am bound to tell him that no such engagement was entered into when the commissioners' salaries were fixed at the present amount; but I did state, at the time, that I considered that amount small, and would reserve to myself the propriety of proposing its increase at a future period. The Honourable Gentleman does not deal fairly by me, in saying that I should agree to the vote, if it were double the amount. He praised me, just now, for economy; but the moment he heard I was going to support the vote, all my credit with him was destroyed.

Mr. HUME.—I was a member of the Police Committee, every one of whom was favourable to an increase; and, considering that the proposed amount of remuneration was nothing more than fair, I willingly support the clause. If ever men deserved well of the public, the commissioners of police do,—as, since they were appointed, they have been indefatigable in the performance of their duties.

Mr. J. FIELDEN.—Sir, I shall support the amendment, because I am opposed to the extravagant payment of a force calculated to create anarchy and confusion, by acting as spies upon and coercing the people. From the inquiry which was instituted in this House by Mr. Cobbett respecting Popey, the policeman who was accused of being a spy upon the people, the commissioners did not come out quite blameless.

Mr. HAWES.—I must say, I never knew a case which broke down more completely than that which was brought against the police at the time to which the Honourable Member alluded. The Report of the committee which sat upon that occasion, clearly shows that they entirely acquitted the police of any misconduct in the case referred to, or in the Coldbath Fields riot.

The committee then divided on the question, "That the clause be added to the Bill:"—Ayes 87; Noes 7;—Majority 80.

AYES.

Acland, Sir T. D.	Morris, D.
Acland, T. D.	Muskett, G. A.
Aglionby, H. A.	Norreys, Sir D. J.
Baring, F. T.	O'Brien, W. S.
Barnard, E. G.	O'Connell, John
Bolling, W.	O'Ferrall, R. M.
Briscoe, J. I.	Packe, C. W.
Broadley, H.	Paget, F.
Brownrigg, S.	Palmerston, Lord Vt.
Bruges, W. H. L.	Parnell, Rt. Hon. Sir H.
Bryan, G.	Pattison, J.
Buller, C.	Peel, Rt. Hon. Sir R.
Buller, Sir J. Y.	Perceval, Hon. G. J.
Burroughes, H. N.	Pryme, G.
Campbell, Sir J.	Rice, E. R.
Courtenay, P.	Rice, Rt. Hon. T. S.
Crompton, Sir S.	Roche, W.
Darby, G.	Rolfe, Sir R. M.
Divett, E.	Rumbold, C. E.
Elliot, Hon. J. E.	Rundle, J.
Estcourt, T. (Oxf. U.)	Russell, Lord J.
Evans, W.	Sandon, Lord Visct.
Finch, F.	Sanford, E. A.
Forester, Hon. G.	Scarlett, Hon. J. Y.
Goddard, A.	Sheil, R. L.
Gordon, R.	Sibthorp, Colonel
Grey, Rt. Hon. Sir G.	Smith, B.
Harvey, D. W.	Stanley, Hon. E. J.
Hawes, B.	Stewart, James
Hobhouse, T. B.	Stuart, Lord J.
Hodgson, R.	Stock, Dr.
Hope, Hon. C.	Style, Sir C.
Hughes, W. B.	Teignmouth, Lord
Hume, J.	Turner, E.
Hutton, R.	Waddington, H. S.
Inglis, Sir R. H.	Ward, H. G.
Knatchbull, Rt. Hon. Sir E.	White, A.
Labouchere, Rt. Hon. H.	Williams, W. A.
Law, Hon. C. E.	Wodehouse, E.
Lushington, Rt Hn. S.	Wood, C.
Mackenzie, T.	Wood, T.
Macleod, R.	Yates, J. A.
Marsland, H.	*Tellers.*
Maule, Hon. F.	Parker, J.
Melgund, Lord Visct.	Troubridge, Sir T.

NOES.

Brotherton, J.	Vigors, N. A.
Duncombe, T.	
Dungannon, Lord Vt.	*Tellers.*
Fielden, J.	Wakley, T.
Hall, Sir B.	Williams, W.
Hector, C. J.	

Clause 50. "Regulations as to coffee-houses and places of refreshment."

On this clause being put, —

Mr. T. DUNCOMBE said: — I wish to know whether houses for the sale of coffee are to be more restricted in their hours than those for the sale of spirits?

The CHAIRMAN. — After the word "liquors," it is proposed to extend the exception to coffee-houses not selling wine or spirituous liquors.

Mr. WAKLEY. — Market gardeners are unloading the whole of the night; and unless the provision be carried, these men are actually driven into the gin-shops for common refreshment.

Mr. FOX MAULE. — I think the houses in the vicinity of the markets should be allowed to be open early in the morning.

This clause was struck out.

Clause 51. was struck out, and a new clause inserted.

Clause 53. "Publicans not to supply liquors to persons under sixteen years of age."

On this clause being put, —

Mr. T. DUNCOMBE said: — I object to this clause; the professed purpose of it is, to prevent the consumption on the premises of spirituous liquors by children of tender years. Why, the licensed victualler has no interest in the demoralisation of children of tender years; and even if he had, the present clause would not prevent the evil. It is to no purpose that publicans are prohibited from permitting children under the age of 14 years to consume liquors on their premises, — since nothing would be easier for children so disposed, than to purchase the liquor and drink it just outside the door: it would be much better that the police should be authorised to take up children found tippling, and keep them till claimed by their parents, as in the case of their riding behind carriages. This is a novelty in the measure, which I have every reason to think would operate most unjustly.

Mr. FOX MAULE. — The practice may be a novelty in London, but it is not so in various parts of the country. In fact, the clause was taken from the Edinburgh Police Act, where it was found to work very well. I intend to propose an amendment, striking out the word "spirituous," and inserting the word "exciseable;" and, also, to strike out the words "fourteen years," and insert the words "apparently under the age of sixteen years." These amendments were proposed at a conference with the persons interested in the trade, and with which they expressed themselves satisfied.

Mr. BRISCOE. — For my part, I consider that it is both wise and benevolent to prevent tippling amongst children, and I shall vote for the clause.

Mr. D. W. HARVEY. — On Monday last I presented a petition, signed by the chairman of the Committee of Licensed Victuallers, calling the attention of the House to this clause, and representing the vexatious exposure of their trade to the proceedings of common informers, if this clause, as it stands, should pass with the pecuniary penalty attached. What they proposed in that petition was, that the word "apparently" should be added, and then it would become a matter of discretion with the magistrates to determine whether the publican had served the party with liquor, having good and sufficient reason to suppose that he or she was under the requisite age.

Mr. AGLIONBY. — If you insert the word "apparently," you must strike out the word "knowingly." Now, the last word is common in our Acts of Parliament, as implying a guilty knowledge.

Mr. LAW. — I should propose, "knowingly." It is a word well known to our law; and it would then be necessary to prove that the child was under the required age, and that the publican had reason to know it.

Mr. DARBY. — I object to "apparently." I suppose, if a person happens to look young, he is to have nothing to drink.

The word "apparently" was inserted.

Mr. T. DUNCOMBE. — I beg to say I think it necessary to take the sense of the House on the point of the age of the party,

whether it shall be 14 or 16. Fourteen appears to me sufficiently stringent.

Mr. FOX MAULE. — I am clearly of opinion that the higher you make the age the better, until you arrive at the age of 17 or 18, when a young person may be considered in some degree responsible for his own actions; and on that principle I consider 16 the better age. The Honourable Member for Finsbury, in objecting to the age, is throwing a considerable impediment in the way of the working out of the clause.

Mr. LAW.—Have Honourable Gentlemen considered the effect of the clause in this point of view, — namely, the indecorum that might result from police magistrates being constituted the arbiters of the age of a young female about 13 or 16?

Mr. AGLIONBY. — I should say 16 is better than 14. I think the children of this country ought to be guarded, as far as possible, up to that age, from the vice of tippling.

Mr. HUME. — Why not take as your precedent the age which is mentioned in the Poor Law Act.

The word "sixteen" was then inserted. The committee then divided on the question, "That the clause stand part of the Bill:"—Ayes 29; Noes 20; — Majority 9.

AYES.

Aglionby, H. A.	Norreys, Sir D. J.
Baring, F. T.	O'Connell, John
Barnard, E. G.	Plumptre, J. P.
Briscoe, J. I.	Pryme, G.
Broadley, H.	Rice, E. R.
Brotherton, J.	Rolfe, Sir R. M.
Buller, C.	Rundle, J.
Butler, Hon. Colonel	Stewart, James
Evans, W.	Teignmouth, Lord
Ferguson, Sir R. A.	Troubridge, Sir E. T.
Harvey, D. W.	Turner, E.
Hawes, B.	Williams, W. A.
Hoskins, K.	
Howick, Lord Visct.	*Tellers.*
Hughes, W. B.	Grey, Rt. Hon. Sir G.
Hutton, R.	Wood, C.
Maule, Hon. F.	

NOES.

Bagge, W.	Marsland, H.
Clay, W.	Pattison, J.
Darby, G.	Sibthorp, Colonel
Estcourt, T. (Oxf. U.)	Smith, B.
Fenton, J.	Stock, Dr.
Finch, F.	Vigors, N. A.
Hall, Sir B.	Wood, T.
Hobhouse, T. B.	Yates, J. A.
Hume, J.	
Humphery, J.	*Tellers.*
Knatchbull, Rt. Hon. Sir E.	Duncombe, T.
Law, Hon. C. E.	Wakley, T.

Clause 54. "Every licensed victualler or other person, keeping a house wherein provisions shall be consumed, who shall allow prostitutes, reputed thieves, or drunken or idle and disorderly persons, to assemble or to play therein at any game with cards or dice, or with any instrument of gaming, shall be liable to a penalty of ten pounds."

On this clause being put, —

Mr. HUME said: — I must object to the unnecessarily severe and stringent nature of this clause, as directed against the unfortunate class of females mentioned in it. For my own part, I could well wish there were no such unhappy creatures; but as that wish cannot be realised, we ought to remember that, degraded though they be, they are still human beings; and I cannot conceive why we should direct an enactment against them so harsh as to prevent them from going into a public house to get common and necessary refreshment. Besides, how is a publican to know whether a woman be a prostitute or not? The clause certainly ought to be withdrawn.

Mr. FOX MAULE. — The object of the clause is not, as the Honourable Member seems to think, to prevent these unfortunate women from going into a public house to get necessary refreshment. It only says that the licensed victuallers shall not permit them to assemble and make a disturbance,—which is not only a breach of morality, but an inconvenience and annoyance to those who live in the neighbourhood. The clause was taken from the Liverpool Police Bill, where it was found to operate most beneficially. I must, therefore, give the committee the trouble of dividing before I consent to abandon it.

Mr. ESTCOURT. — I think the clause is quite unnecessary; the law, as it stands, providing for the case. I am anxious that the licensed victuallers should be left out, — they being sufficiently restricted under the 9 Geo. IV.

Mr. HAWES.—If the licensed victuallers allow disorder in their houses, they are liable to lose their licences; and the law, as it now stands, gives the public sufficient security for the good conduct of this class of tradesmen. I trust the clause will be struck out of the Bill.

Mr. HUME. — The licensing law extends all over the country, and this clause

will affect the metropolis only. Now, what is good for London, is good for Birmingham, Manchester, and all other large towns. The clause, I repeat, ought to be struck out.

Mr. FOX MAULE.—I cannot consent to abandon the clause; and the reason I divide the committee is simply this,—that, if the clause be rejected, I would rather the responsibility should rest with the House than with myself.

The committee divided on the question, "That the clause stand part of the Bill:"—Ayes 23; Noes 34;—Majority 11.

AYES.

Aglionby, H. A.	Plumptre, J. P.
Bagge, W.	Rice, E. R.
Baring, F. T.	Rolfe, Sir R. M.
Barnard, E. G.	Stewart, James
Briscoe, J. I.	Teignmouth, Lord
Brotherton, J.	Troubridge, Sir E. T.
Craig, W. G.	Turner, E.
Evans, W.	Wood, C.
Ewart, W.	Yates, J. A.
Grey, Rt. Hon. Sir G.	
Howick, Lord Visct.	*Tellers.*
Hutton, R.	Maule, Hon. Fox
Macleod, R.	Pryme, G.
Parnell, Rt. Hn. Sir H.	

NOES.

Broadley, H.	Marsland, H.
Buller, C.	Morris, D.
Butler, Hon. Colonel	Norreys, Sir D. J.
Clay, W.	O'Connell, John
Darby, G.	Pattison, J.
Duncombe, T.	Rice, Rt. Hon. T. S.
Estcourt, T. (Oxf. U.)	Rundle, J.
Ferguson, Sir R. A.	Sibthorp, Colonel
Finch, F.	Smith, B.
Hall, Sir B.	Stock, Dr.
Harvey, D. W.	Vigors, N. A.
Hector, C. J.	Wakley, T.
Hobhouse, T. B.	Williams, W.
Hoskins, K.	Williams, W. A.
Hughes, W. B.	Wood, T.
Humphery, J.	
Knatchbull, Rt. Hon. Sir E.	*Tellers.*
Law, Hon. C. E.	Hawes, B.
Lushington, Rt. Hn. S.	Hume, J.

Clause 59. "That every person found gaming or betting in any street or other public place, with or without any table or instrument of gaming, or by tossing halfpence, or in any other manner, shall be liable to a penalty of ten shillings."

On this clause being put,—

Mr. FOX MAULE said:—The committee is probably aware that the point has never yet been decided, whether the game itself, or the stake played for, constitutes the unlawful act.

Mr. WAKLEY.—I wish to know why the word "common" is used in the preceding clause. It appears to me that the words "gaming house" would be quite sufficient. The word "common" might tend to restrict the power of the police. Is it not sufficient for the police to know that gambling is going forward in a certain house?

LORD VISCOUNT HOWICK.—The word "common" is inserted to prevent the power being given to the police of entering into private houses upon information that gaming is going on there. The Honourable Member will see that, if such a power were left in the hands of the police, by the loose wording of the clause, it would lead to the most vexatious interference with private houses; and, in point of fact, would be a direct infringement upon the liberty of the subject. It is difficult to devise a phrase which shall put the case beyond all doubt as to what is really and *bonâ fide* a gaming house, and, at the same time, to avoid all arbitrary and unconstitutional interference with the rights of private individuals, and the liberty of the subject.

Mr. WAKLEY.—The Noble Lord's explanation appears satisfactory, so far as relates to the objection I have started; but I have now to say that this Clause 59. seems to me wholly unnecessary. Why, under its operation, as it stands, the police would be authorised to enter into any betting ring on a race-course, and seize all the parties; and although I am not here to deny that gaming is a vicious practice, I think interference to this extent is scarcely warrantable. "Tossing with halfpence" really seems an unworthy subject for specific legislation.

Mr. FOX MAULE.—I will make no other observation than this,—Does the Honourable Member recollect Hogarth's admirable plates of the *Idle and Industrious Apprentices?* The idle apprentice began by tossing halfpence;—and we all know how his career ended.

COLONEL SIBTHORP.—But does not the Honourable Under Secretary's remark apply equally to gambling amongst the higher classes? Am I to be told that it is not equally a vice, and ought not equally to be checked, among them? The clause appears to me to be directed solely against the poor man who chucks up a few halfpence, whilst it leaves reckless gaming in other classes untouched; and

I therefore think it ought to be struck out altogether.

The SOLICITOR GENERAL. — It will be as well if the Honourable Members who object to this clause are made to understand that the acts it specifies are, at this time, unlawful acts by the law as it now stands, with this exception,—namely, that the Vagrant Act speaks of "gaming with any instrument of gaming." Now, some magistrates have doubted whether halfpence could fairly be construed as instruments of gaming, within the meaning of the Act; and the object of this clause is to make the law clear. I would add that it is undoubtedly injurious to morals, as well as inconvenient to the public, that groups of boys and young men should be suffered to assemble in the streets tossing halfpence.

Mr. CLAY. — That the police should have the power of taking up any poor men, who, after having been working hard all day, may think proper to toss up a halfpenny to decide who shall pay for a pot of beer to refresh them, appears to me extremely hard and arbitrary. When I, at the same time, think of the splendid gaming establishments at the West end of the town, I can truly say that Honourable Members are straining at a gnat and swallowing a camel. When the Honourable Under Secretary alludes to Hogarth's plates, and attributes the ruin of the idle apprentice to his tossing with halfpence, I would remind him, there were also other causes of the young man's fall, and among them, if I remember rightly, that great moralist has introduced cruelty to animals. If the words "with or without" be struck out, I may agree to the clause; but, otherwise, I cannot.

The SOLICITOR GENERAL. — But, with those words struck out, the clause would be utterly useless. The difficulty in all legislation of this kind is, that you must make a rule which, in extreme cases that may be imagined, will be liable to abuse. But if that were a reason against passing a wholesome enactment, you might as well stop all legislation.

COLONEL T. WOOD.—To show how ridiculous it would be, to pass this clause, it is only necessary to observe that, in places forming the boundary to which this Act extends, the boys may toss their halfpence with impunity on one side of the road, while, if they cross to the other, it will become an illegal action to do so.

Mr. CHARLES BULLER.—I do certainly object to this clause. Why, it interferes with the common every-day habit that persons have of betting! It is perfectly absurd. For example: I am walking with a friend; a difference of opinion arises between us as to a fact; I say, "I will bet you so much I am correct." Well, up comes a policeman, and hands me off to the station-house for this mighty offence! I might, for example, be making a bet that a certain majority would not be more than "two."

[Laughter.]

But, really, it is monstrous and ridiculous to give a policeman the power to take a gentleman into custody for making a bet in the street, — or a poor man, for tossing for a pot of beer.

Mr. FOX MAULE. — I certainly have heard some fair arguments on this clause; and perhaps it is not exactly right to interfere with persons who are not actually using instruments of gaming, or who are not palpably and obviously gaming. I shall beg leave, therefore, to omit the words "or without."

COLONEL T. WOOD. — I think the Honourable Under Secretary's proposal very objectionable; and it appears to me that those bets which have been alluded to are quite as questionable in their character as the tossing of halfpence by boys.

Mr. HUME.—The whole proceeding is objectionable, inasmuch as it is local. I set my face against making a law for one place that is not to be law in another. A man may gamble in Manchester; but if he come to London and do the same, you take him into custody.

Mr. LAW. — It appears to me, that if the Vagrant Act is defective on this point, as suggested by the Honourable and Learned Solicitor General, you should amend that Act; but do not, in a special Act, of local extent, introduce stringent general regulations of this kind. It is idle to say that they are regulations applicable particularly to London, when you extend your Act over so large a circle as fifteen miles round the metropolis, and over so many districts that are essentially rural. I do not oppose such provisions in this Bill as are really proper and wholesome, — for it is against another Bill that my objections are insuperable; — but I think it would be far better that we should at once have a law relating to gambling,

and make that law universal, than that we should thus confine our legislation to a particular district. There is a multitude of stringent regulations in this Bill, and many of those are taken from local Acts, which, from the fact of their being local, pass this House without proper examination; and then Honourable Members, from their indolence in watching what has been the effect of them, recommend their introduction into some important measure like the present.

Mr. AGLIONBY. — I would here ask a question on a point of law and common sense. What do you mean by "public place?" You say "street, road, highway;" but do you also mean such a place as Tattersall's, or the Hippodrome? Will these, and other places of public amusement, be included in this clause? Will a group of persons playing quoits on a village green be amenable to your law? Is that to be considered gaming, if they make the smallest bet upon a throw? I can understand your providing against games being played on highways, or in the streets, to the annoyance and inconvenience of passengers; but I cannot understand the extension of your enactment to all public places within the limits of the police district.

The SOLICITOR GENERAL. — The clause says "any street, road, highway, or other public place." That means, place of public traffic, such as a square. Any lawyer would say that the words "other public place" signify every public place of the same kind or description as those, the names of which are enumerated. There is no necessity to take an extreme case to decide what is meant by "public place." If you do this, you put an end to legislation altogether; for you cannot frame a set of words that shall meet every imaginable objection.

Mr. HUME.—I hope it will go forth to the world that the British House of Commons have spent a considerable portion of time this evening in a grave discussion about chuck-farthing!

Mr. HAWES. — By leaving out the words "or without," I suppose you mean that everybody may gamble as much as he likes without instruments of gaming?

The committee then divided on the question, "That the clause stand part of the Bill:" — Ayes 27; Noes 36; — Majority against clause, 9.

AYES.

Bagge, W.	Pigot, D. R.
Barnard, E. G.	Plumptre, J. P.
Crompton, Sir S.	Rice, E. R.
Darby, G.	Rice, Rt. Hon. T. S.
Donkin, Sir R. S.	Rolfe, Sir R. M.
Estcourt, T. (Oxf. U.)	Round, J.
Evans, W.	Sanford, E. A.
Ferguson, Sir R. A.	Teignmouth, Lord
Grey, Rt. Hon. Sir G.	Troubridge, Sir E. T.
Hawes, B.	White, A.
Howick, Lord Visct.	Wood, G. W.
Hughes, W. B.	
Hutton, R.	*Tellers.*
Macleod, R.	Maule, Hon. Fox
Maunsell, T. P.	Pryme, G.
Parnell, Rt. Hn. Sir H.	

NOES.

Aglionby, H. A.	Marsland, H.
Broadley, H.	Morris, D.
Brotherton, J.	Muskett, G. A.
Bruges, W. H. L.	O'Connell, John
Buller, C.	Pattison, J.
Clay, W.	Pechell, Captain
Courtenay, P.	Rundle, J.
Duncombe, T.	Rushbrooke, Colonel
Ellis, W.	Smith, B.
Ewart, W.	Stock, Dr.
Fielden, J.	Thornely, T.
Finch, F.	Turner, E.
Hall, Sir B.	Vigors, N. A.
Harvey, D. W.	Wilbraham, G.
Hector, C. J.	Wood, T.
Hobhouse, T. B.	Yates, J. A.
Hoskins, K.	
Hume, J.	*Tellers.*
Humphery, J.	Sibthorp, Colonel
Law, Hon. C. E.	Wakley, T.

Clause 61. "Extension of 39 and 40 Geo. III. c. 99. s. 21. from twelve to sixteen years of age."

On this clause being put, —

Mr. LAW said: — I would here suggest the insertion of the word "knowingly." However, I have already expressed my opinion on the point, and I do not mean to insist upon the amendment. I would, however, take this opportunity of repeating what I said on the last occasion this Bill was discussed, — namely, that by inserting the age of 16 in this clause, you will produce much inconvenience. Let us suppose the case of a person in sickness, obliged to raise money by means of the pawnbroker, and having no agent to send to the shop but a young person, perhaps a few months under the requisite age.

The word "apparently" was then inserted, and the clause, as amended, ordered to stand part of the Bill.

Clause 66. "Prohibition of nuisances

by persons in the streets and thoroughfares."

On this clause being put, —

COLONEL T. WOOD moved, as an amendment, in page 22. line 1., after the word "within," to insert the words "the weekly bills of mortality, or in the streets of any town within."

The SOLICITOR GENERAL. — I cannot consent to the introduction of these words.

COLONEL T. WOOD. — The Honourable and Learned Solicitor General distinctly said he would devise means to exclude the rural districts from the operation of this clause, and now he objects to the introduction of these words.

Mr. FOX MAULE. — The Honourable Gentleman is quite mistaken as to the pledge, — it was given on another clause.

COLONEL SIBTHORP. — I never saw such a chaos of absurdity, and such childish legislation, as this clause. Because a law happens to be in existence now, is that a reason it should be continued, if it be a bad one? But, as far as I have seen into this Bill, it alters good law into bad.

Mr. FOX MAULE. — Every one of the sections of this clause is law already, and it has been the object to bring them all under one clause, in order to prevent the inconvenience of referring from one Act to another.

Mr. AGLIONBY. — Is it intended that the police constable should have the power to take persons into custody for misdemeanours upon the charge of the party aggrieved, even though they do not see the offence committed? I think the law ought to be made quite clear in this respect.

Mr. FOX MAULE. — I think this power of taking into custody without warrant, for offences other than felony, should be confined to those cases where the offence is committed in the view of the police constable. I do not think it would be safe to give the power to take into custody for such offences, on the information of a third party.

Mr. HAWES. — If the constable is not to have the power to take into custody, except on view, the offender will, in nine cases out of ten, escape, — as is the case at the present time. I agree that this point, — as to whether the police constable should have the power to take into custody on the statement of a third party, — should be made perfectly clear, otherwise much dispute and inconvenience will arise. But then it is said, "If you give this power to the police constable, how are you to guard against a vexatious exercise of it?" Now, I conceive that the rules and regulations by which the force is governed, will always form a sufficient check to abuse. And then, as is the case in another Bill, the magistrates might have the power to give a recompence to the party improperly taken into custody, for his loss of time.

Mr. CHARLES BULLER. — The state of the law, as to the regulation by which the police constable is not authorised to take persons into custody unless they see the offence committed, is, I think, defective. Suppose a person is assaulted and struck down at night; — he calls for the police, and the policeman comes up; — the party who has been assaulted charges the other, — the policeman will say he cannot take the charge, because he did not see the assault committed. "Well, then," says the injured party, "I will take the law into my own hands, and punish the man who has assaulted me." "No, you must not do that," would be the reply of the police constable; "because, if you do, I shall see you commit an assault, and I must then take you into custody." This state of the law appears to me to be an anomaly.

Mr. JERVIS. — I apprehend that, in cases of felony, any person may give a charge, and the police constable would be bound to take it; the party giving the charge taking upon himself the responsibility. But, on view, the police constable may apprehend on a charge of felony or on a charge of misdemeanour; but surely you would not have a man taken into custody upon a charge of misdemeanour, upon the mere statement of a third party, who might have a private pique against the party charged?

Mr. HUME. — Admitting that these nineteen offences to which this clause relates, are offences according to the existing law; still, I think it very objectionable that the jurisdiction should be extended to fifteen miles round London. I think it is a matter well deserving the

consideration of those who have the conduct of this Bill, whether the carrying a ladder on a public footpath, and many other acts which this clause would punish as offences, ought to be considered offences equally, whether committed in country districts, ten or fifteen miles off, or committed in the crowded streets of London?

COLONEL T. WOOD. — I object to this clause extending to the cross roads of the country. A boy may not fly a kite in a country lane, without incurring punishment under this Bill.

Mr. FOX MAULE. — If the act be an annoyance to the inhabitants, the party committing it ought to be punished; if it be not an annoyance, he will not be chargeable. Goading cattle, riding on carriages without reins, furious driving, and other offences against which this clause provides, are equally dangerous, whether committed in the streets of London, or on a country road; and I think that all these nineteen sections of the clause, which are the law at this time, should still remain such. The object is, merely, to prevent annoyance to the inhabitants and to passengers; and I cannot see how that can be objected to.

COLONEL T. WOOD. — The first part of the clause prohibits the exercising of any horse in any lane or country road.

Mr. FOX MAULE. — If it be to the annoyance of the inhabitants or passengers.

COLONEL T. WOOD. — Then the second part would prevent any horse being turned out at all. You interfere, too, with the manner in which any man may drive his cattle.

Mr. FOX MAULE. — No!

COLONEL T. WOOD. — The police constable may do so, if he choose to be vexatious. It will be for these police constables to regulate the pace at which every man shall ride or drive in the county of Middlesex. I am quite sure that this clause will give rise to much petty tyranny and annoyance. I shall take the sense of the committee on the words "the weekly bills of mortality, or in the streets of any town within," to be inserted after the word within.

The committee then divided upon the question, "That the proposed words be there inserted:" — Ayes 19; Noes 80; — Majority 61.

AYES.

Attwood, W.	Inglis, Sir R. H.
Bagge, W.	Jackson, Mr. Serjeant
Broadley, H.	Jervis, J.
Bruges, W. H. L.	Law, Hon. C. E.
Chute, W. L. W.	Mackenzie, T.
Cole, Lord Visct.	Polhill, F.
Darby, G.	Rushbrooke, Colonel
Eaton, R. J.	
Freshfield, J. W.	*Tellers.*
Hector, C. J.	Sibthorp, Colonel
Hodgson, R.	Wood, T.
Hume, J.	

NOES.

Aglionby, H. A.	O'Connell, John
Alston, R.	O'Connell, M. J.
Attwood, T. (Birm.)	O'Connell, Morgan
Baring, F. T.	O'Ferrall, R. M.
Barnard, E. G.	Parker, J. (Sheff.)
Beamish, F. B.	Parnell, Rt. Hon. Sir H.
Briscoe, J. I.	
Browne, R. D.	Pattison, J.
Campbell, Sir J.	Pigot, D. R.
Cavendish, Hon. G. H.	Plumptre, J. P.
Clay, W.	Pryme, G.
Craig, W. G.	Redington, T. N.
Crompton, Sir S.	Rice, E. R.
Curry, Mr. Serjeant	Roche, W.
Duncombe, T.	Rolfe, Sir R. M.
Elliot, Hon. J. E.	Round, C. G.
Ellis, W.	Russell, Lord J.
Estcourt, T. (Oxf. U.)	Sanford, E. A.
Evans, W.	Scholefield, J.
Fielden, J.	Smith, R. V.
Ferguson, Sir R. A.	Somerville, Sir W. M.
Grey, Rt. Hon. Sir G.	Spencer, Hon. F.
Hall, Sir B.	Stanley, Hon. E. J.
Harvey, D. W.	Stock, Dr.
Hawes, B.	Teignmouth, Lord
Hawkins, J. H.	Thompson, Alderman
Hobhouse, T. B.	Thornely, T.
Hope, Hon. C.	Troubridge, Sir E. T.
Hughes, W. B.	Turner, W.
Hutt, W.	Vigors, N. A.
Hutton, R.	Waddington, H. S.
Labouchere, Rt. Hon. H.	Wakley, T.
	Walker, R.
Lushington, C.	White, A.
Lushington, Rt. Hon. S.	Williams, W.
	Wood, C.
Macleod, R.	Wood, G. W.
Marsland, H.	Yates, J. A.
Martin, T. B.	Young, J.
Maule, Hon. Fox	
Morris, D.	*Tellers.*
Muskett, G. A.	Gordon, R.
O'Brien, W. S.	Humphery, J.
O'Connell, D.	

Mr. AGLIONBY. — I beg to propose an amendment, to the effect that any police constable shall have the power of taking into custody any person who shall be duly charged with having committed an offence within the meaning of this clause, although such offence may not have been

committed in the view of such constable.

Upon the question being put,—

Mr. JERVIS said:—The course would be, for the party aggrieved to go before the magistrate and prefer his charge, and then the offender would be summoned to appear; but if it were permitted to the police constable to take persons into custody for offences such as are described in this clause, on the mere representation of the complaining party, you would, in almost every case, especially as regards assault cases, produce this state of things,—that the party charged would turn round and charge the other. The power which my Honourable Friend's amendment would give to the police constable would be a most improper interference with the liberty of the subject, and one which the present law does not sanction.

Mr. HAWES.—If the police constable is to be restricted from taking a charge on the representation of the aggrieved party, it is quite clear that, in London, one half of the offenders would escape punishment. Suppose a person be knocked down at night by some ruffian whom he does not know; if he were not allowed to give him in charge on the spot, the offender would, in nine cases out of ten, escape altogether; for how would the aggrieved party be able to find him the next day? I am quite sure, that if the police are to be so restricted, they will be much less useful to the public than they now are.

The SOLICITOR GENERAL.—Perhaps it may be advisable to introduce a distinct clause, with regard to assaults. I am rather inclined to think that, in this respect, it may be proper to depart from the principle laid down in this clause.

COLONEL T. WOOD.—My opinion is, that the power proposed to be given to the constables would lead to many vexatious arrests.

Mr. ALDERMAN HUMPHERY.—There is a class of offence arising out of this clause, which I think it might also be proper to provide for by a distinct proviso,—I mean writing on walls. Suppose I see a party committing such an offence,—if I am not allowed to give him into custody on the spot, before I can obtain a warrant, the offender escapes.

The ATTORNEY GENERAL.—I agree with my Honourable and Learned Friend the Solicitor General, that, with regard to assaults, it may be proper to introduce a distinct clause; but as to writing naughty words upon a wall, I do not think that that is so important an offence as to render it necessary to do away with the warrant.

Mr. ALDERMAN HUMPHERY.—If the offence be so slight in its nature as to render it unnecessary to punish for it, why do you insert it in the Bill?

Mr. AGLIONBY.—I will not divide on my amendment.

The amendment was then, by leave, withdrawn.

Mr. J. JERVIS.—I have to complain of the licence which this clause gives to the police constable, to judge as to whether any act, which is described here as an offence, be to the annoyance of the inhabitants, or not. By giving the constable such a power, you render him disagreeable to the inhabitants, or else you expose him to the charge of neglecting his duty. Suppose a person ride out on a Sunday, and turn his horse loose in a bye road; by this clause he would be liable to be apprehended by the police constable, and to be punished by fine.

LORD J. RUSSELL.—I must say that the course which has been taken with regard to this clause, is different from that which is usually adopted. The clause has been already discussed at some length, on a former evening; and the objections to it generally answered. As regards the particular objection which the Honourable and Learned Gentleman has just raised, there can be no doubt that, in matters of police regulations, you must at all times leave much to the discretion of the person who is to enforce these regulations; and if the magistrate choose to abuse his power, you must leave him, in some measure, open to do so. Under the municipal law, all the corporate towns of the kingdom have the power of making bye laws for their police regulations, which, on being submitted to and approved of by the Queen in council, become actual laws in those towns; and many of those bye laws will be found much more stringent than that which is here proposed: and I should add, that if we are to go into the consideration of this Bill, with that feeling of exactness and determination to provide against

every extreme case, which it appears to be the desire of some Honourable Gentlemen to do, we shall undertake a task which, I am sure, we shall never accomplish.

Mr. J. JERVIS. — With respect to the corporate towns, the laws are made by persons who are elected but for one year, and those who succeed them may revise and correct anything that may be wrong; therefore, in such a case, there is security against abuse. But if the metropolitan police are to be the judges of what is and what is not an annoyance, they will be an irresponsible body, exercising a petty tyranny throughout the whole of the police district. I, for one, will not allow such an infringement on the liberties of the subject, without protesting against it.

Mr. HUME. — One remark that fell from the Noble Lord (Lord J. Russell), ought not, I think, to be allowed to pass without observation. The Noble Lord said, the course that had been adopted, with regard to this Bill, was almost unprecedented. Now, I think it is the House that has cause to complain of the conduct of the Noble Lord and his Honourable Friend the Under Secretary; because, when this Bill was under discussion, on a former evening, we were told that all the enactments of this clause were laws now existing; but on turning to the Act of Parliament, we find that some of those enactments are entirely new; — that is one objection to this Bill. Another objection is, the power which it is proposed to give to the police force. I, for one, am not desirous of making the police unpopular, — but I know that nothing would tend more to that end, than to confer upon the police those extraordinary powers which the Government now propose to invest them with. I say, that such stringent regulations may be proper in the crowded streets of Westminster, while they may be altogether oppressive and tyrannical when carried into effect in the rural districts ten or fifteen miles from London. Therefore, I protest against extending the provisions of this Bill to those rural districts.

Mr. FOX MAULE. — In reply to the Honourable Member for Kilkenny, I may be allowed to observe that the enactments to which he has alluded are to be found in the Act known as Michael Angelo Taylor's Act. True, the operation of that Act is more confined than this is intended to be; but it does extend to London, Westminster, and Southwark, and all the parishes within the bills of mortality, as well as to all paved streets in the parishes of Saint Pancras and Saint Marylebone. Our object in extending this Bill to the whole police district is, — that the same law may operate throughout, instead of having one parish subject to Taylor's Act, while the adjoining parish is governed by some other law.

The ATTORNEY GENERAL. — I think my Honourable and Learned Friend (Mr. Jervis) was mistaken, when he said that we were giving an irresponsible power to the police by this clause. It is no such thing; for, in the case he has put, — if any constable were wantonly to take a man in custody for finding his horse in a country lane, he would be liable to punishment: the constable is not to have the power of saying, "I will take up Mr. A., or Mr. B., as I please." But my Honourable and Learned Friend knows well that it is a principle of common law, that many things, which are harmless in themselves, when they become annoying to others, are offences, and indictable as such.

Mr. J. JERVIS. — I shall take the sense of the committee against the words "or feed or fodder any horse."

Question put, — "That those words stand part of the section."

The committee divided: — Ayes 62; Noes 32; — Majority 30.

AYES.

Acland, Sir T. D.	Lushington, Rt. Hon. S.
Acland, T. D.	Morpeth, Lord Visct.
Baines, E.	Morris, D.
Baring, F. T.	Muskett, G. A.
Barnard, E. G.	O'Connell, D.
Brotherton, J.	O'Connell, John
Campbell, Sir J.	O'Connell, Morgan
Cavendish, Hon. G. H.	O'Ferrall, R. M.
Clay, W.	Parnell, Right Hon. Sir H.
Courtenay, P.	Pattison, J.
Craig, W. G.	Pechell, Captain
Crompton, Sir S.	Pigot, D. R.
Curry, Mr. Serjeant	Plumptre, J. P.
Elliot, Hon. J. E.	Pryme, G.
Evans, W.	Redington, T. N.
Ferguson, Sir R. A.	Rice, E. R.
Filmer, Sir E.	Rice, Rt. Hon. T. S.
Gordon, R.	Roche, W.
Graham, Rt. Hn. Sir J.	Rolfe, Sir R. M.
Grey, Rt. Hon. Sir G.	Russell, Lord J.
Hennîker, Lord	Rutherfurd, Rt. Hon. A.
Hobhouse, T. B.	Sandon, Lord Visct.
Hope, Hon. C.	Spencer, Hon. F.
Hotham, Lord	Stanley, Hon. E. J.
Hughes, W. B.	Stewart, James
Hutt, W.	
Inglis, Sir R. H.	
Lushington, C.	

Stock, Dr.	Wakley, T.
Style, Sir C.	Wood, C.
Thomson, Rt. Hon. C. P.	Young, J.
Thompson, Alderman	*Tellers.*
Thornely, T.	Hawes, B.
Troubridge, Sir E. T.	Maule, Mr. Fox

NOES.

Aglionby, H. A.	Marsland, H.
Archdall, Mervyn	O'Brien, W. S.
Attwood, W.	Rushbrooke, Colonel
Attwood, T. (Birm.)	Scarlett, Hon. J. Y.
Beamish, F. B.	Scholefield, J.
Broadley, H.	Sibthorp, Colonel
Bruges, W. H. L.	Somerville, Sir W. M.
Chute, W. L. W.	Teignmouth, Lord
Cole, Lord Viscount	Turner, W.
Duncombe, T.	Vigors, N. A.
Ellis, W.	Waddington, H. S.
Gaskell, J. M.	Williams, W.
Hall, Sir B.	Wood, G. W.
Hector, C. J.	Wood, T.
Hodgson, R.	
Jackson, Mr. Serjeant	*Tellers.*
Law, Hon. C. E.	Hume, J.
Mackenzie, T.	Jervis, J.

Sections up to 13. inclusive, were then severally put, and agreed to; Section 14. omitted; the remaining sections were then severally put, and agreed to; and the clause, as amended, ordered to stand part of the Bill.

On Clause 67. ("Drunkards guilty of riotous or indecent behaviour in any street or public thoroughfare may be imprisoned") being put, —

Mr. FOX MAULE said: — I propose that after the words "riotous conduct," the following words be inserted: — "or guilty of indecently exposing the person."

Mr. T. DUNCOMBE. — I think it would be better to let the latter provision or punishment form a separate clause. The argument upon which the proposed alteration in the punishment for the vice of drunkenness is founded, is, that the punishment which the existing law imposes — namely, *5s.* penalty, and, if not paid in a week, the putting the offender in the stocks — is disproportionate; for, although a penalty of *5s.* may be quite punishment enough for the poor man for the commission of such an offence, a penalty of *5l.* would not be too much to impose upon the rich, considering the difference of circumstances. But, I say, if the alteration which the Bill proposes be good for the districts fifteen miles round London, it must be equally good for the whole country; and I know no greater absurdity than to expect that a man shall be punished with seven days' imprisonment and hard labour, if he commit an offence at Staines, while, if he go to Windsor, he shall be at liberty to commit the same offence for a penalty of *5s.* It is, however, a fact which cannot be disputed, that penalties, or punishments of any kind, are perfectly inefficacious in checking drunkenness. The evidence taken before the committee, which was appointed, some time ago, to inquire into this subject, proved that more would be done to prevent drunkenness by providing education and harmless and useful amusements for the people, than by any other means. And it was said by more than one intelligent witness, that the best cure would be a national system of education, which should extend to all classes, and by means of which the lower orders might be taught to know the deleterious nature of ardent spirits and other intoxicating liquids. But, now, the Honourable Under Secretary of State considers that seven days' imprisonment and hard labour would be the best cure for the evil! If that principle were to be applied to the higher classes as well as the lower, I do not know that I should object to it; — but I know it will not be. If Alderman A. should be brought before Alderman B., for being drunk and guilty of riotous conduct in a public place, would he be sent to the treadmill? Certainly not: but if the offender were one of Alderman A.'s workmen, I have no doubt but that he would be so punished. This clause proposes an alteration in the law of the land, which I think objectionable in any shape; but, for the present, I shall feel it my duty to move, as an amendment, that the following proviso be added to the clause: — "And be it further provided, for the sake of good example, and for the prevention of the vice of drunkenness, that any person moving in what are called the higher grades or walks of society, found drunk in any street or public place, shall, if it shall seem expedient to the magistrate before whom the complaint is made, be committed, with or without hard labour, for a period not exceeding seven days, to the House of Correction, instead of inflicting any pecuniary fine."

Mr. FOX MAULE. — I object to draw any distinction in the clause as to the vice of drunkenness, whether committed by the higher or the lower classes. I want to have one law for the rich and the poor; therefore I have proposed that, in lieu of imposing a fine, a magistrate may send an offender to prison when guilty of riotous and indecent conduct while drunk,

instead of inflicting a pecuniary penalty. I do not think that it would be very dangerous to ask the House to consent to this principle.

The amendment was then put, and negatived.

Mr. DARBY. — I object to this clause, because I think it is improper to have "drunkenness" mixed up in the same clause with "indecent exposure of the person," which is a much more serious offence. As the clause stands, both are to be visited with the same penalty, — which, I think, is highly improper. In my opinion, there ought to be a separate clause for the indecent exposure of the person. I object, also, to persons convicted of drunkenness being sent to prison among felons; but I have no objection to their being called upon to find sureties for their future good behaviour.

Mr. FOX MAULE. — It was objected by a Noble Lord on the other side, that, as we were punishing drunkenness by imprisonment, with or without hard labour, we might leave the offence of exposing the person to be dealt with in the same manner. I have, however, no objection to frame a separate clause for this offence, and to omit the words "with or without hard labour" from this clause.

Mr. WAKLEY. — I think that the clause, if retained at all, ought to be made imperative; and that all persons convicted of drunkenness, whether rich or poor, should be sent to prison.

Mr. ALDERMAN THOMPSON. — I object to the Bill altogether; but, if this clause stand part of it, there will be one law for punishing drunkenness within fifteen miles of London, while another law will be in operation beyond that distance. I never knew, in the whole course of my experience as a magistrate, of a person being sent to prison for the non-payment of the five shilling fine imposed for drunkenness, unless he had been guilty of riot. But the law does, now, confine persons who are charged with drunkenness, — they are confined from the time they are apprehended until they are brought before the magistrate; and that, together with the fine of 5*s*., is, I think, quite a sufficient punishment for the offence, when unaccompanied with riot and disturbance. I shall therefore move that the clause be omitted.

The committee then divided upon the question, "That the clause, as amended, stand part of the Bill:" — Ayes 57; Noes 10; — Majority 47.

AYES.

Aeland, T. D.	Melgund, Lord Visct.
Aglionby, H. A.	Morpeth, Lord Visct.
Baring, F. T.	Norreys, Sir D. J.
Barnard, E. G.	O'Brien, W. S.
Beamish, F. B.	O'Connell, D.
Briscoe, J. I.	O'Ferrall, R. M.
Broadley, H.	Pechell, Captain
Brotherton, J.	Pigot, D. R.
Bruges, W. H. L.	Plumptre, J. P.
Clay, W.	Rice, E. R.
Cole, Lord Visct.	Rice, Rt. Hon. T. S.
Craig, W. G.	Rolfe, Sir R. M.
Crompton, Sir S.	Rushbrooke, Colonel
Elliot, Hon. J. E.	Shaw, Right Hon. F.
Estcourt, T. (Oxf. U.)	Sheppard, T.
Evans, W.	Somerville, Sir W. M.
Ferguson, Sir R. A.	Stanley, Hon. E. J.
Filmer, Sir E.	Stock, Dr.
Gordon, R.	Style, Sir C.
Grey, Rt. Hon. Sir G.	Teignmouth, Lord
Hawes, B.	Tennent, J. E.
Hobhouse, T. B.	Vigors, N. A.
Hotham, Lord	Waddington, H. S.
Howard, Sir R.	Wakley, T.
Hughes, W. B.	Warburton, H.
Hume, J.	Wood, G. W.
Inglis, Sir R. H.	
Jervis, J.	*Tellers.*
Law, Hon. C. E.	Maule, Hon. Fox
Macleod, R.	Rutherfurd, Rt. Hn. A.
Marsland, H.	

NOES.

Darby, G.	Scholefield, J.
Hall, Sir B.	Williams, W.
Hastie, A.	Wood, T.
Hector, C. J.	
Hodgson, R.	*Tellers.*
Pattison, J.	Duncombe, T.
Salwey, Colonel	Thompson, Alderman.

The remaining clauses of the Bill, and the preamble, were then severally put, and agreed to, with some verbal amendments.

Mr. FOX MAULE. — I have a clause to propose, the object of which is to enable the police to take boys riding behind carriages into custody, and to detain them until delivered up to their parents.

Clause brought up, read, and ordered to stand part of the Bill.

Mr. FOX MAULE. — I have another clause to bring up; — its object is to enable the police to act in preventing dogs from being maltreated by being employed in drawing carts, trucks, &c.

Clause brought up, and read a first time.

Upon the question being put, "That this clause be now read a second time,"—

Mr. WARBURTON said: — This, certainly, is a piece of superfluous legislation. To the dog so employed, neither whip nor spur is used to goad him forward, as in the case of other animals; and I have seen these dogs take the water, and return, after refreshing themselves, of their own motion, to the collar.

Mr. LAW. — The question is not confined to the mere treatment of dogs, but it extends to the safety of persons passing on horseback or in carriages along the streets of the metropolis, and who, under the existing practice of employing dogs as beasts of burden, incur great danger.

Mr. FOX MAULE. — In the hot weather, dogs thus employed frequently go mad through being overdriven; and the protection proposed by the clause is necessary for the public safety.

Mr. WARBURTON. — Canine madness never arises from overworking. In South America, where dogs are made use of, no case of canine madness has ever arisen from overdriving.

Mr. WAKLEY. — I differ entirely from my Honourable Friend the Member for Bridport in this matter. The employment of dogs, in the metropolis, as beasts of draught, has been not only a prolific source of accidents, but has also tended to the increase of hydrophobia to an extraordinary extent.

The clause was then agreed to, and ordered to stand part of the Bill.

Mr. FOX MAULE. — I have another clause to move, to enable the police to remove itinerant musicians from streets wherein persons may be sick.

Clause brought up, read, and agreed to.

Mr. W. S. O'BRIEN. — I have a clause to bring up, — the object of which is to require that a Return shall be annually laid before Parliament, of the number and state of the police force in their different classes, and stating their different salaries.

Clause brought up, read, and agreed to.

House resumed; Bill to be reported on Friday next.

PAYMENT OF RATES BILL.

Second reading deferred till Friday.

SUPPLY — WAYS AND MEANS. — METROPOLITAN COURTS BILL. — PUBLIC WORKS (IRELAND) BILL. — SHANNON NAVIGATION BILL. — SALE OF BEER BILL.

Committees severally deferred till Friday next.

REGISTERS OF BIRTHS, &c. BILL.

Third reading deferred till to-morrow.

REGISTRATION (COURT OF APPEAL) BILL. — ADMIRALTY COURT BILL.

Committees severally deferred till to-morrow.

SOLDIERS' PENSIONS BILL.

Committee deferred till Wednesday next.

SMALL TENEMENTS BILL.

Second reading deferred till Wednesday next.

PATTERNS AND INVENTIONS BILL.

Second reading put off for three months.

CONSTABULARY FORCE (IRELAND) BILL.

On the motion of LORD VISCOUNT MORPETH, — Bill, "for the better Regulation of the Constabulary Force in Ireland," ordered to be brought in by LORD VISCOUNT MORPETH and Mr. SOLICITOR GENERAL for Ireland.

COUNTY COURTS.

Committee to consider of authorising any advance out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, which may hereafter be required for supplying any deficiency in the fund primarily applicable to the expenses of county courts, as regulated by any Act to be passed in the present Session of Parliament (Queen's recommendation signified), this day.

SLAVE TRADE (PORTUGAL).

Bill, "for the Suppression of the Portuguese Slave Trade," — presented, and read a first time; to be read a second time on Monday next, and to be printed.

PAPERS.

Ecclesiastical Commission (Ireland).— On the motion of SIR C. STYLE, Copy ordered —

Of any correspondence between the Lords of the Treasury and the Ecclesiastical Commissioners in Ireland, relative to the repayment of the loan of 100,000*l.* advanced to the Ecclesiastical Board, by the Commissioners of Public Works, in the year 1835; the amount of which loan appears, by the Reports of the Ecclesiastical Commissioners, to be invested in the three per cent. consols.

Corporation of London. — On the motion of the CHANCELLOR of the EXCHEQUER, Accounts ordered —

Of all sums raised by the corporation of London, under 10 Geo. IV. c. 136., 11 Geo. IV. c. 64., and 1 and 2 Vic. c. 100., showing the application thereof, and the charges granted for the same; specifying the nature and subjects of the security, the persons to whom granted, and by whom now held, and the interest payable in respect of each loan:

Of the yearly produce of the revenues constituting the security fund for such loans; distinguishing the several branches thereof, and the application of such revenues respectively.

Adjourned at a quarter after two o'clock.

HOUSE OF LORDS, JOVIS, 11° DIE JULII, 1839.

APPEALS.

Pearson *v.* Casamajor, *et è contra.* — In part heard, and adjourned to Monday next, after the cause Abernethie *v.* Forbes (or Gordon).

LAUTOUR'S DIVORCE BILL.

Order for the second reading, and the Lords summoned (which stands appointed for to-morrow), discharged.

TEMPLER'S ESTATE BILL.

Reported specially, with amendments; a clause added, before the saving clause; and Bill to be ingrossed.

BLIGH'S ESTATE BILL.

Read a third time, and passed; and sent to the Commons.

WEGUELIN'S DIVORCE BILL.

Copy of the evidence taken before this House in the case of. — Ordered to be communicated, as designed.

Message from the Commons, for a copy of the evidence taken before this House in the case of Weguelin's Divorce Bill. — Messengers informed, That this House will send an answer by messengers of their own.

EARL OF LUCAN.

Petition of, claiming a right to vote at the elections of representative Peers for Ireland. — Read, and referred to the Committee for Privileges.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

FILTRATION COMPANY BILL.

Read a third time, with the amendments; an amendment made; Bill passed, and sent to the Commons.

SHIP PROPELLER COMPANY BILL.

Read a second time, and committed for to-morrow.

LIVERPOOL BUILDINGS ACT AMENDMENT BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

BELPER SMALL DEBTS BILL. — WIRKSWORTH SMALL DEBTS BILL.

Reported, with amendments; and the amendments to be considered on this day three months.

HATFIELD SMALL DEBTS BILL.

Report made from the committee, "That the promoters of the Bill do not intend to proceed further with the Bill."

DEPTFORD PIER BILL.

Reported, with amendments.

PLEADINGS IN COURTS (INDIA) BILL.

Brought from the Commons; read a first time, and to be printed.

PROTECTION AGAINST BANKRUPTCY BILL.

Returned from the Commons, agreed to.

HIGHWAY ACT AMENDMENT BILL.

Read a third time (according to order), and passed; and sent to the Commons.

BRICK DUTIES BILL. — PAPER DUTIES BILL. — GLASS DUTIES BILL.

House in committee (according to order); Bills reported, without amendment; and to be read a third time to-morrow.

ECCLESIASTICAL DISTRICTS BILL.

Read a third time, and passed; and sent to the Commons.

THE QUEEN'S ANSWER TO THE ADDRESS.

The LORD CHANCELLOR. — My Lords, I have to inform your Lordships that the House has this day waited upon her Majesty, at Buckingham Palace, and has presented an Address, to which her Majesty has been pleased to return this most gracious Answer: —

"I duly appreciate your zeal for the interests of religion, and your care for the established church.

"I am ever ready to receive the advice and assistance of the House of Lords, and to give to their recommendations the attention which their authority justly deserves.

"At the same time, I cannot help expressing my regret that you should have thought it necessary to take such a step on the present occasion.

"You may be assured that, deeply sensible of the duties imposed upon me, and more especially of that which binds me to the support of the established church, I shall always use the power vested in me by the constitution for the fulfilment of that sacred obligation.

"It is with a deep sense of that duty that I have thought it right to appoint a Committee of my Privy Council to superintend the distribution of the grants voted by the House of Commons for public education. Of the proceedings of this committee annual Reports will be laid before Parliament, so that the House of Lords will be enabled to exercise its judgment upon them; and I trust that the funds placed at my disposal will be found to have been strictly applied to the objects for which they were granted, with due respect to the rights of conscience, and with a faithful attention to the security of the established church."

Address and Answer to be printed, and published.

FINANCE.

LORD ASHBURTON. — I beg to ask the Noble Marquess opposite, whether there will be any objection to the production of a Return of the net income and expenditure of the United Kingdom for the several years ending the 5th of April, 1836, 1837, 1838, and 1839 respectively; showing the exact amount of surplus or deficiency of net income in those years: Also,

An estimate to the same effect for the year to end the 5th of April, 1840: And, also,

A Return of the unfunded debt, as existing on the 5th of April in each of the said years; distinguishing the amount of Exchequer bills out for public works?

The MARQUESS of LANSDOWNE. — I have no objection to grant the Return.

The EARL of RIPON. — I had entertained an intention of bringing forward a motion upon this subject myself; and I am, now, very glad to hear that it has been taken up by the Noble Lord, and that a question which is of so much importance, and even of so much anxiety, is in the hands of one who is so capable of doing it justice.

The Returns were then ordered.

CANADA.

LORD ELLENBOROUGH. — I have observed that certain papers relative to Canada were yesterday laid on the table of the House of Commons. Would the Noble Marquess object to their being laid before your Lordships?

The MARQUESS of NORMANBY.

there was the Irishwoman; then the governor of the workhouse; and, next, the house surgeon. All these persons were charged either with neglect or misconduct. It is right to observe, however, that there was, besides, the evidence of two more surgeons and another individual. I do not wish to speak disrespectfully of the jury; but I feel that few persons can read the evidence given at the inquest, without being convinced that the poor woman experienced the most shameful neglect in the workhouse, — and that her death was accelerated, if not caused, by neglect and cruelty.

The DUKE of PORTLAND. — Now, this petitioner knows perfectly well that her sister had that care bestowed on her in the workhouse, which she could not have received elsewhere. Amongst other things, it has been stated, that when she was carried out of the house her body was covered with sores; but, from the evidence of all persons who were in the house at the time, and especially of the surgeon, it was proved that her body was as perfectly clean as it could be, for a person who had been so long confined to her bed. As the Noble Earl does not intend to make any motion about the New Poor Law, that is not, now, the question in debate; but I can state that under it, as far as the sick poor are concerned, the greatest care is taken of them; and I am content to contrast the treatment which this poor woman received, with what it would have been under the old law. With respect to the witness, William Hodson, there was so much prevarication on his part in giving his evidence, that no reliance could be placed upon his statements; and I understood from the coroner that there was no reason for thinking this poor woman had ever been beaten, — that the jury were unanimous on that point, — and had no confidence in Hodson's evidence, from the manner in which it was delivered.

LORD WHARNCLIFFE. — I heard what passed at the coroner's inquest, and I must say I entirely concur with the Noble Duke, — that there never was a case that seemed to me to have less in it than this. I carefully looked to the evidence that was tendered, and I was quite satisfied with the verdict of the jury. I can also say that many persons in the neighbourhood who attended the inquest, with the idea that this woman had been maltreated, went away perfectly satisfied of the contrary.

EARL STANHOPE. — I never have grounded my opposition to this most execrable law on any number of cases of hardship which may have occurred; but my objection is to the principle of the measure, — to the principle upon which it is carried on. If anything can satisfy my Noble Friend near me, and he will renew his investigation into those cases, I will engage to furnish him with as many as will amply occupy him during the remainder of his life. If your Lordships would enter into a detailed examination of this case, I would prove that the Noble Duke, residing, as he does, in his particular part of the country, is one of the tools of the dictators of Somerset House, and that he must have been grossly misinformed of the facts.

The DUKE of RICHMOND. — It appears to me that my Noble Friend has brought forward this case as an attack against a Noble Friend of mine, who is chairman of the board of guardians. It appears that a woman died in the workhouse; that, according to the excellent practice of this country, a coroner's inquest was held on the body, and the jury, after hearing all the evidence, returned a verdict of "Died by the natural visitation of God." That, to me, is quite satisfactory; and if I had been the Noble Duke (the Duke of Portland), I should have said nothing further on the subject, as I would rather trust to the verdict of the jury than to any statement I might hear elsewhere. The Noble Earl always, at the end of the Session, brings forward a number of cases; and yet, upon examination, not one of them is found to hold water.

EARL STANHOPE. — Notwithstanding all the pains and industry of the Noble Duke to confute me when he thinks my opinions are mistaken, and all his endeavours to embarrass and confound witnesses who were examined before the committee, with what I will call a most pettifogging and quibbling kind of inquiry, yet the cases I have brought forward have been most fully and clearly substantiated; and, if I had time and place, I am ready to discuss them with the Noble Duke.

EARL FITZWILLIAM. — It appears to me that my Noble Friend's conduct — no, not his conduct, his position — is this, — that if any person in Yorkshire or Nottinghamshire has any complaint to make against the New Poor Law, he sends it all the way into Kent to the Noble Earl, although it might be made more conveniently to some person in the neighbourhood. The fact is, I am afraid that

the Noble Earl is considered, by some persons, who really have conscientious objections to certain parts of the Act, and by others who are anxious to raise a prejudice against it for purposes of their own, — to be the only person who can lay their complaints before the House. I think the Noble Earl opposite has oftentimes told your Lordships he never had anything to do with the administration of the Poor Law: and, in my opinion, it is a great pity, because if he were just to condescend to act as chairmain of a board of guardians, he might thus furnish himself with a number of facts on the subjects occurring under his own eye, and be enabled to make such an impression on your Lordships as would induce you to assent to some alteration in this law. But as long as he refuses to do that, I will say, the Noble Earl has very little chance of producing any effect on your Lordships upon this subject.

EARL STANHOPE. — From all parts of the country, petitions of this kind have been received; and, as for the Noble Earl's saying ——

Several NOBLE LORDS. — Spoke, spoke!

The DUKE of RICHMOND. — My Noble Friend has, in terms most contrary to the order of this or the other House of Parliament, charged me with conduct, which if I were guilty of, would be unbecoming my character as a gentleman and Peer of the realm. I do not think my Noble Friend had any intention to do so; but on every occasion on which the Poor Laws are mentioned, he appears to be almost wild. I understood my Noble Friend to say, that I did my utmost to confound the witnesses examined before the committee, and to make them say, on oath, things that were not true. I deny ever, in my life, having done so. I appeal to those of your Lordships who served with me on the committee, whether I ever did anything more than endeavour to elicit the truth, the whole truth, and nothing but the truth? I assure your Lordships, that I never did mean or attempt to confound any witness, or make them say anything which was not true. The Noble Earl will remember, that when he is charging a Peer of this House with such conduct, he is charging a person who is present to answer for himself. He has too often attacked guardians of the poor, who are not here to defend themselves; but I shall be always prepared to defend them, and will allow no man in this country to impute to me motives which would be disgraceful to a gentleman and a Peer of this House.

LORD BROUGHAM. — If there was any member of the committee who, less than another, attempted to "confound the witnesses who were examined," or adopted "a pettifogging and quibbling kind of inquiry," it was my Noble Friend, the Noble Duke on the cross benches; for he was notorious for taking exactly the opposite course. The Noble Earl opposite has made a rash observation, which I am sure he could not have meant to apply to my Noble Friend.

EARL STANHOPE. — I merely rise to state, that it was not my intention to say anything personally offensive to the Noble Duke. I said that the Noble Duke had only pursued the same course of inquiry and examination which was always pursued in that committee; and that when any witness was brought forward, a number of questions was put to him in order to refute his statements and to confound the opinions he had given; but I never said the Noble Duke wished to elicit from any witness anything he did not believe to be true.

LORD WHARNCLIFFE. — Witnesses must expect to be exposed to a severe cross-examination; and if I go nto a committee, I must examine them closely; but I deny that at any time, during the sitting of the committee, on the part of the Noble Duke on the cross benches, there was any such conduct as that spoken of by the Noble Earl. It is true that most of the witnesses who were called to speak to the facts stated by the Noble Earl, when they were examined, could not bear them out.

Read, and ordered to lie on the table

PRISONS BILL.

The EARL of FINGALL presented a petition in favour of, — of inhabitants of Stafford. — Read, and ordered to lie on the table.

BEER BILL.

The MARQUESS of WESTMINSTER. — I wish to ask the Noble and Learned Lord near me (Lord Brougham), what is the nature of the resolution he intends to move to-morrow?

LORD BROUGHAM. — The resolu- will be a general one, and to this effect: — "That it is highly expedient that beer-shops shall be henceforth placed on the

same footing with the houses of licensed victuallers, as to the sale of beer, both with respect to those hitherto licensed, and those that may be licensed hereafter." I consider that the most safe, and, upon the whole, the most prudent course to ask your Lordships to take.

PRISONS BILL.

The BISHOP of EXETER and the EARL of GLENGALL presented petitions against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of clergy and other inhabitants of Exeter; and of inhabitants of Uttoxeter. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

The Order of the Day for the House going into committee on this Bill, and the Lords summoned, having been read, —

The BISHOP of EXETER said: — My objection to this Bill remains as strong as ever, and is, indeed, rather increased, by the alterations that have been made in it in the committee; but, considering the late period of the Session, I am willing to assent to this stage of the Bill, if your Lordships will allow it to be understood that the third reading shall have precedence of all other Bills. If your Lordships are disinclined to concur in this suggestion, I shall feel it my duty to state my objections to the Bill on the present occasion.

The Bill then passed through committee; the Report of amendments to be received to-morrow; and the Lords summoned.

PRISONS BILL.

The Order of the Day for the second reading of this Bill, and the Lords to be summoned, having been read, —

The LORD CHANCELLOR said: — This Bill is one which is entitled to the most serious consideration of your Lordships. Its great objects are, as far as possible, to prevent crime, and to correct those who have been guilty of it. Your Lordships have, of late, concurred in several Acts for the removal of the punishment of death from certain offences, — and I by no means regret the change so made in the law; but, because Parliament has adopted that course, it becomes the more its duty to enact such measures as may be most effectual to prevent crime, and to punish it when committed. There are two ways by which this can be done; — one is, by an effective police, — and I am sorry to say that that which now exists in most parts of the country is lamentably deficient; and the other is, by a wholesome state of prison discipline, to be adopted in the several counties. It is with a view to both these objects that the present Bill is offered to your Lordships. It is to enable magistrates of counties to establish such a system of separate confinement, as shall tend to make the prisoners leave the prisons better subjects than they had entered them, and to put them in that state which will prevent a repetition of their offences. This is a matter which has, for a considerable time, occupied the attention of every civilised country in the world. The experiment has been tried with success in America; whence it has attracted the attention of the Governments of Europe, many of which have sent out competent persons to observe how the system is carried on, and to report on its effects. The Reports of those individuals to their respective Governments, are highly favourable to the American system. The gentlemen sent out from France were, before going out, strongly prejudiced against that system; but, on seeing its operation and effects, their Reports were altogether in its favour. It is not, however, necessary that we should go to any foreign country to see how such a plan works, for we have it now operating in the Glasgow Bridewell; and if your Lordships look to the Reports of the Prison Inspectors, you will find that it has there been attended with the most salutary results. This has been shown by the best of all tests, — that of experience. One of the worst effects of confinement in our gaols, on their present system, is — the association of persons, young in guilt, with characters much worse than themselves. The bad effects of this association — particularly in the gaols of Scotland, where the system of prison discipline is, in general, much worse than in the gaols in England — are shown in the Reports of the Prison Inspectors. The purpose of this Bill will be, to cause that separation of the prisoners which will prevent this contamination. One objection to it is, its severity; — but no two things can be more different than solitary confinement, in its ordinary sense, and that kind of confinement which this

Bill contemplates. In the one case, the prisoner is secluded from all society, and left without work or employment of any kind, save that of brooding over his own thoughts, which must be of a painful kind. But the prisoner separately confined under this Bill, though he will be kept from any communication with his fellow prisoners, will not be wholly secluded from society; his mind will be engaged by being kept in constant employment, and he will be open to the visits of those who will do him good, — he will be open to the visits of the officers of the prison, the magistrates, and the chaplain. The Reports on your Lordships' table are filled with instances of the good effects of this system. The principle has been already adopted in many prisons, — and in every case with success. It is an object of this Bill to legalise and facilitate it in all prisons. In that case, an increase of the means heretofore employed in counties will be necessary, and additional expense will be required for the enlargement of prisons; but I am sure your Lordships will not think that an additional outlay, chargeable on the county rates, will be ill bestowed for such an important purpose. I say this on the assumption that your Lordships will admit the system to be a good one; and if you do, I am sure you will concur with me in thinking that a portion of the public money could not be better employed than in promoting it. The increased expenditure which may be required for carrying the system into operation, will be chiefly in the first outlay for enlarging the prisons; but, after it comes into full operation, it will be found to diminish the annual expense. This will be seen by a comparison of the expense of a large and well-regulated prison, with that of a small one under bad management. Of these, the Reports on the table furnish several instances. Thus, for example, the expense of the maintenance of each prisoner in the Glasgow Bridewell does not exceed 3*l.* per annum; but if the imprisonment is for a longer period, the prisoners earn all they cost; while in some other prisons it costs 30*l.* per head, and, on the average of many prisons, 17*l.* per head. The expense of attendant officers in the Glasgow Bridewell is 2*l.* 10*s.* per head, while in other prisons it costs 12*l.* per head; so that, as I stated, the first expenditure will not, on the whole, be found an objection to the plan.

I have heard only two principal objections to the system: the first is, that it will destroy that uniformity of system which exists at present; and, next, that it will supersede the authority of the magistrates. With respect to the first, I will admit that it will destroy the classification of prisoners, which is now adopted; but it is found that that classification has not answered its intended object. For instance, where men are classed according to the crimes of which they have been convicted, it may happen that the very worst character in the county may be imprisoned for a slight offence. He will, therefore, be a very unfit associate for persons who have never committed any serious offences. If this Bill be adopted, the question of classification cannot arise, — because the prisoners will be separately confined, if the magistrates of counties adopt that principle; but it will be left to them to decide whether or not such a system be fit for the particular county. The magistrates will have power to make rules and regulations for the prisons of their county, which will be submitted to the Secretary of State. It may be objected, that this will be placing too much power in the hands of the Secretary of State. But the Secretary of State will have only the power to approve or reject the rules or regulations. At present he has not only that power, but the power, also, of altering or adding to rules of prison discipline submitted to him. Here, however, he will have, as I have already said, only the power of approval or rejection; and it is clear that there must be a controlling power of the kind vested somewhere. Formerly it was left to the judges of assize to inspect, and approve or reject the prison regulations submitted to him by the magistrates at the assizes; but, though no man has a higher respect for the character and authority of the judges than I have, I do not think this selection a wise one. A judge, in the usual hurry of assize business, is not the most competent to decide upon the fitness of regulations of prison discipline; and, besides, amongst fifteen judges, it may happen that there will be differences of opinion, — and thus, what one judge may think a sound and salutary regulation, on one circuit, another would reject, on another circuit, as wholly objectionable. It may be said that the tenth and eleventh clauses of this Bill will give too much power to the Secretary of State; but those clauses may be so modified in the committee, as to remove that objection. I know it is said that, if the Secretary of State be minded to have the separate system, he may say that he will not approve of any plan of prison discipline recommended by the magistrates which shall not embody the silent system; but

there is a proviso to the eleventh clause, which I shall propose, that does away with this objection,—"Provided always, that in any case in which the Secretary of State shall disapprove of any such plan, he shall state, in writing, the grounds of his disapproval, and it shall not be lawful for him to disapprove of any such prison on the sole ground that such plan proposed does not allow separate confinement." The question is, whether your Lordships are, now, prepared to say that you will prevent the introduction of the separate system? That is a grave responsibility for you to take upon yourselves. Let your Lordships look at the evidence before you of the value of this system,—look at the testimony of all persons who have examined into the subject,—look at the state of crime in this country, and at the state of the prisons in this country,—and if your Lordships, with that information before you, should throw out the Bill, your Lordships would be taking on yourselves a very grave responsibility. I would also call your Lordships' attention to this fact,—that, in some places, prisons have been built expressly for the separate system, which are unsuited to any other. Are those counties which have built them to be told, after having so laid out their money for the adoption of a prison discipline, so much approved of generally, that that system is not to be sanctioned? I would only beg, before your Lordships take such a step, that you will read the Report of the Inspector of the bridewell of Glasgow. In that Report, instances are stated of persons of dissolute and bad character, who have long been accustomed to crime, and who have repented of their former course of life, and turned for their future livelihood to that trade which they had learned whilst in prison. What a blessing is this, not only to the individual, but to the country at large! But, if you keep a man in prison for six months or a year, and turn him out again without being reformed, what good do you do? You keep him from evil, it is true, for the time that he is in prison; but you turn him out to do evil again,—which he most certainly will do. But if you imprison a man in a prison, conducted the same as the Glasgow one,—instruct him in moral duties,—and teach him the means of gaining an honest livelihood; let him be kept from contamination, and, at the end of six months, you make him a good subject. This system has the effect of deterring others from crime; whilst the individual punished is a reclaimed man. I trust that no Noble Lord will come to a vote on this Bill without having read the Reports of the different inspectors of prisons; for this Bill is no trifling matter,—it concerns the state of crime, and the security of life and property in the country. If it be your Lordships' pleasure to countenance it so far, that the magistrates may, if they think fit, adopt the system,—it is proposed to give an additional facility, by the erection of a prison, on this plan, in the vicinity of London. Undoubtedly, the counties ought to have the opportunity of an inspection, and of seeing how the system works, before they adopt it themselves. But, if your Lordships should authorise the erection of a model prison in the neighbourhood of London, for all to be enabled to see the effects of the system, I have not the least wish that any compulsory power should be enacted to make magistrates adopt the plan,—entertaining, as I do, the full conviction that they will adopt it of themselves. It is much, however, to offer an opportunity of seeing how the Bill is likely to work; and I trust that your Lordships will not prevent the country from having the benefit of the experiment.

The MARQUESS of SALISBURY.—The Noble and Learned Lord has argued as if this Bill were one for establishing a uniformity of discipline in the prisons of this country; whereas I contend that it will have a diametrically opposite effect. It is only a few years since your Lordships passed an Act for effecting a greater uniformity in the government of prisons; and, in pursuance of that Act, you established two distinct systems of prison discipline;—one, which enabled the magistrates to adopt such regulations as they might think fit; and the other, which ordered what should be the future regulations of prisons where the separate system was not adopted. It was found, however, that two systems could not coexist. As regards the Secretary of State, I consider him the proper person to give his assent to the rules laid down by magistrates; but I do not think it is a good system which gives the magistrates the power of laying down rules and regulations. I think that these ought to be established by Act of Parliament; and that no person, however learned or competent, should have authority to alter them. With regard to the system of solitary confinement, I do not think it has been so successful in reforming prisoners as is stated. There are two parties in America, who hold very different opinions on the subject. It appears to me that the proper

mode would have been for the Government to have obtained powers to build a prison which might serve as a model to other establishments, in time to come; and, if they found that this worked well, then to enforce — not merely to empower — the establishment of the system all over the country. The Noble and Learned Lord has certainly done a great deal by the promise which he holds out: I trust that he regards that promise as a pledge given by her Majesty's Government to the country, that the Government will commence the erection of such a prison as may serve for a model for the erection of all others. I feel that the responsibility of throwing out the system of separate confinement would be great indeed; but with that understanding, — that the Government have it in their intention to build a prison to serve as a model to others, — I will not, now, press my objections to the Bill; but, if necessary, will take the sense of your Lordships at a future stage.

The DUKE of RICHMOND. — Having, for some years, constantly visited many of the prisons of this country, I feel that I ought not to remain silent on the present occasion. I certainly do not conceive that the Bill now standing for the second reading is a perfect or a final measure. One of the great objects we have in view, consistently with carrying on the criminal laws of this country, is, to have a uniform system of prison discipline; but, because I find myself not in the situation to get a perfect measure, am I to be deprived of a Bill which, in my opinion, would be of great advantage, and certainly would not disturb any uniformity of system that may now exist? I believe that there are very few prisons in this country in which there is uniformity of system. I know but two in Sussex, — one in the east and the other in the west of the county, — where there is separation — not the sort of separation which my Noble and Learned Friend speaks of — but a partial separation, with a view to prevent the prisoners from communicating with each other. I will answer for it that, in those prisons, under the present regulations, it is impossible for the prisoners to communicate with, so as to contaminate, one another, — and that is the object which your Lordships have it in view to prevent. With respect to the operation of the system at the place where I reside, — though there has been an increase in the number of constables, and more persons have been sent to prison in consequence, — yet there is still a large decrease in the number of committals. I know several labourers who went into prison, charged with heinous offences, who remained there a short time; but, from the facility which they had been afforded of considering the situation in which they had placed themselves, from the period when they left the House of Correction to the present time, they have become honest, industrious labourers. There is another great advantage in this partial separation. The great difficulty that a young man has, now, — if, unfortunately, he have strayed from the paths of virtue, — is, when he leaves the prison, at the expiration of his sentence, to get any man to employ him again; his character is destroyed; he is jeered and laughed at by the good men of the parish, because they always know that a man comes out of gaol a much worse man than he went in. But, now, the farmers of the country — being aware that a man is not necessarily worse, but must become better, from being in prison, because they know that he cannot communicate with the other prisoners, — because they know that he receives instruction from a schoolmaster, and is attended by a chaplain, and that it is impossible that he can come out of prison worse than he went in, — now they will give him a chance of becoming an honest man. This, to my mind, is one of the great advantages of the present system. It may be said, if this course be pursued in Sussex, the magistrates of other counties might pursue the same course. But they find great difficulty in doing so, from the want of such an Act of Parliament as this. There are, certainly, some of the clauses of this Bill in which I would suggest some alterations. I will not go into those clauses now; but will only repeat, that I consider this Bill better than the law at present in existence. I think it cannot create any inconvenience; but, on the contrary, by this law, an experiment will be tried in various parts of the country, which, after a few years, will enable your Lordships to decide upon what is the best system; and then, by repealing all the old laws, you may establish one uniform plan of prison discipline throughout the country, which may be equally beneficial both to the agricultural and the manufacturing districts. I therefore shall most readily support the second reading of this Bill.

The DUKE of WELLINGTON. — I certainly think that this Bill ought to be read a second time. My objection to it is, not that it goes too far, but that it does not go far enough. There are some clauses respecting the classification of

prisoners, which, in my opinion, ought to be struck out altogether, because they will mislead the magistrates as to what it is the real intention of the Legislature to effect. When the Bill shall come out of committee, especially after the suggestions of the Noble Lords for its improvement shall have been adopted, I think we shall be able to accelerate the operation of the new system, more particularly as it respects the classification of criminals in the various prisons.

VISCOUNT DUNCANNON. — The Noble Marquess (the Marquess of Salisbury) having expressed a hope that a model prison will be erected, I beg to state that I am, at present, in treaty for a piece of ground for that purpose, and that it is the intention of her Majesty's Government to proceed with the building with as little delay as possible.

The EARL of CHICHESTER. — I rise principally to express the great satisfaction which I feel at the announcement of the Noble Viscount who has just sat down, that it is the intention of Government immediately to build a model prison in the vicinity of the metropolis. With regard to separation, I would remind your Lordships that all improvements, from the day of Howard to the present time, have proceeded upon the principle that separation of the prisoners is indispensable to the due maintenance of prison discipline. The grand obstacle to carrying out that system, as far as I could desire, has hitherto lain in the great difference in public opinion as to which of the two systems of the United States is the better? I, for one, am friendly disposed to the plan which combines silence with separation; but, at the same time, I must say that those statements which have been made, both in the United States and here, and have been often repeated, would make me pause before I finally give my adherence to that plan. I do hope and trust that this Bill, with some slight amendments, will be passed into a law; and that, whatever amendments may be made, will not go to destroy the means of carrying into effect the separate system in the prisons where it is already adopted.

The LORD CHANCELLOR. — The silent system has the same object as the separate system; but the ease with which the two can be carried into effect is by no means the same. It appears, from a Report of inspectors of prisons, that it would be impossible, or nearly so, to carry into effect the silent system here. In a very short time, according to that Report, 5000 punishments for violation of the system were inflicted in prisons where it was adopted.

LORD WYNFORD. — I highly approve of the separate confinement of criminals. Persons of dissolute habits cannot bear solitude. Separate confinement is more dreaded by criminals, than any other punishment. Although I cannot quite agree with my Noble and Learned Friend on the woolsack, that separate confinement will reclaim many hardened offenders, there can be no doubt that it will prevent them from corrupting others. Nothing is so contagious as vice. Young prisoners should be kept from all association with those who are old and incorrigible. I doubt whether the counties will be able to bear the expense that this improvement in our prisons must occasion. If the existing burdens of the county rates were more equally distributed, no expense that could be required would be felt. By far the largest part of the county rates are paid by the landed interest, although few are committed to prison for offences against the proprietors of land, and a very small portion of the prisoners in our gaols are persons connected with agriculture. Distressed as the farmers, for several years, have been, I do not think that they can yet bear any increase of the county rates. But my greatest objection to this Bill is, that it will not be intelligible to those who are to administer it; and it is sent up to your Lordships so late, that it will be impossible to amend it as it should be amended. Many clauses of former Acts are unnecessarily re-enacted; parts of former Bills are repealed; other parts of such Acts are extended. Such a mode of legislating must occasion great confusion, — and render a law, which ought to be clear, very difficult to be understood. The former laws should have been repealed, and all the provisions introduced into one Act. But I am willing to see if the Bill can be rendered intelligible and practicable, and therefore vote for the second reading.

The Bill was then read a second time, and committed to a committee of the whole House on Thursday next; and the Lords summoned.

POSTAGE.

Petition for reduction of the rate of, — of inhabitants of Burntisland. — Read, and ordered to lie on the table.

ELECTION PETITIONS TRIAL BILL.

To be read a second time on Tuesday next.

SPIRITS ACT (IRELAND).

Petition for alteration of, — of grocers and spirit dealers and others of Fethard. — Read, and ordered to lie on the table.

CUSTODY OF INFANTS BILL.

To be read a second time on Thursday next.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Bligh's Estate Bill. — Read a first time; to be read a second time.

Weguelin's Divorce Bill. — Evidence communicated from the Lords, this day, referred to the committee on the Bill.

Hatfield Small Debts Bill. — Select Committee appointed, "to inspect the Journals of the House of Lords, with relation to any proceedings upon the Bill, intituled, 'An Act for the more speedy Recovery of Small Debts within the Manor of Hatfield and other Places in the West Riding of the County of York,' and to make report thereof to the House:" — Lord Viscount Morpeth, Mr. Lascelles, Mr. Broadley, Mr. Evans, Mr. Hurt, Mr. Cavendish, and Major Busfield: — Three to be the quorum.

Wirksworth Small Debts Bill; Belper Small Debts Bill. — Committee appointed, "to inspect the Journals of the House of Lords, with relation to any proceedings upon these Bills, and to make report thereof to the House:" — Mr. William Evans, Mr. George Cavendish, Mr. Hurt, Mr. Strutt, Mr. Freshfield, Mr. George Ponsonby, and Mr. Finch: — Three to be the quorum.

Rathkeale (Limerick) Inclosure Bill. — Reported; to be ingrossed.

Aberford Small Debts Bill; Rotherham Small Debts Bill. — Orders for further consideration of reports, read, and discharged; Bills withdrawn; other Bills ordered to be brought in by Mr. LASCELLES and LORD VISCOUNT MORPETH; leave given to present the Bills on or before Monday next.

Nottingham and Mansfield Small Debts Bill. — Order (21st of June) for committing the Bill, read, and discharged; Bill withdrawn; another Bill ordered to be brought in by the EARL of LINCOLN and Mr. ROLLESTON; leave given to present the Bill on or before Monday next.

Weguelin's Divorce Bill. — Message to the Lords, to request that their Lordships will be pleased to communicate to this House a copy of the evidence taken at the bar on Weguelin's Divorce Bill.

London City Police Bill. — Further proceeding on third reading deferred till to-morrow.

PUBLIC BUSINESS.

CARLOW BOROUGH ELECTION.

House informed, that the committee have determined, —

That Francis Bruen, Esquire, is not duly elected a burgess to serve in this present Parliament for the borough of Carlow:

That Thomas Gisborne, Esquire, the younger, is duly elected, and ought to have been returned a burgess to serve in this present Parliament for the said borough of Carlow:

That the petitions of Thomas Gisborne, the younger, and of George O'Farrall and others, electors, did not appear to the committee to be frivolous or vexatious:

That the opposition of Henry Cary and others, of Nicholas Byrn and others, and of William Cary and others, electors, severally admitted as parties to defend the return, did not appear to the committee to be frivolous or vexatious:

That the committee have altered the poll taken at the said election, by striking off the names of William Moorehead, William Robert Lecky, Thomas Quinlan, Philip Deighton, John Walsh of Graigue, Robert Ivers, Daniel O'Brien, Thomas Greene, John Murphy, Andrew Caulfield, Pierce Kelly, Robert M'Dowell, and John Hewitt Burgess, as not having had a right to vote at the said election; and by adding the name of Patrick Barry, as having had a right to vote at the said election.

To be entered in the Journals.

Clerk of the Crown to attend to-morrow, and amend the return.

MESSAGE FROM THE LORDS,

That they have agreed to — Borough Watch Rates Bill; Over Darwen Gas Bill; Anniesland (or Black Quarry) Road Bill, without amendment: Filtration Company Bill; Liverpool Buildings Bill, with amendments: and to the amendments to the Jamaica Laws Bill, and Mellin's Divorce Bill, without amendment.

That they have passed a Bill, intituled, "An Act to amend an Act of the fifth and sixth Years of the Reign of his late Majesty King William the Fourth, relating to Highways."

Also, a Bill, intituled, "An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes."

Also, a Bill, intituled, "An Act for vesting the undivided Sixth Share of Ann Campbell Bligh, Spinster, a Lunatic, as one of the six Daughters and Coheiresses of William Bligh, Esquire, deceased, in certain Lands and Hereditaments in New South Wales, of which the said William Bligh died seised, in Trustees, in whom the five other undivided Sixth Shares are now vested upon Trust for Sale."

That they do communicate to this House the minutes of evidence taken at the second reading of the Bill intituled "An Act to dissolve the Marriage of the Reverend William Andrew Weguelin, Clerk, with Emma Weguelin, his now Wife, and to enable him to marry again, and for other Purposes therein mentioned," as desired by this House; and the Lords do request that the said minutes of evidence may be returned to them.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Spirits (Ireland), — By MAJOR BRYAN, for repeal of so much of Act 7 Will. IV. c. 38. as prohibits the sale of spirits by grocers, — from Urlingford, &c.; Callan, &c.; Castlecomer, &c.; New Ross; and Kilkenny.

Tithe Commutation Act, — By SIR E. KNATCHBULL, — from landowners and farmers of the county of Kent, for amendment.

Poor Law Act, — By SIR E. KNATCHBULL, — from churchwardens and overseers of Southover, complaining of the inability of the Poor Law Commissioners to consent to the discharge of a debt incurred by that parish in prosecuting a suit in Chancery, for the better administration of a charity estate.—To be printed.

Postage, — By Mr. GROTE, Mr. ELLICE, Junior, SIR H. PARNELL, LORD DALMENY, Mr. R. STEUART, Mr. PRINGLE, Mr. MACKINNON, Mr. MACAULAY, and Mr. R. FERGUSON, for a low and uniform rate, — from Falkland; Strathmiglo; Aberchirder; Selkirk; Dunfermline (two petitions); Hisk; Harwich; Cupar (two petitions); Bathgate; Lanark; Hamilton; Linlithgow (provost); Bolton; Edinburgh; Kirkcaldy (two petitions); Burntisland; Conway; Plymouth; Dunkeld; Harwell; Haddington; Dundee (two petitions); Inverkeithing (two petitions); Charmouth; Ditcheling; Minchinhampton; Brinscombe Port; shipwrights in the employ of Messrs. Green, Wigram, and Green, Blackwall; shipwrights of the River Thames; and Captain Mackinnon and others.

Army, — By Mr. WILLIAM CURRY, for enabling Presbyterian soldiers to participate in the services of their church, — from Ballymena; Buncrana; and Armagh.

Bank of Ireland Charter, — By Mr. JAMES POWER, — from Enniscorthy, against the renewal thereof.

Church of Scotland, — By Mr. PRINGLE, — from Blairingone, in support.

Collection of Rates Bill, — By Mr. PRYME and Mr. HARVEY, against, — from St. Botolph; St. Andrew the Less, Cambridge; and St. George the Martyr, Southwark.

Poor Law Commission Continuance Bill, — By Mr. PRYME, against, — from guardians of the Cambridge union (chairman); St. Andrew the Less, Cambridge (chairman); and Addingham.

Tippling Houses, — By Mr. PRYME, for the alteration of the law in regard to opening and closing the same, — from St. Dunstan, Stepney; and St. James, Westminster.

Poor Law Amendment Act, — By SIR E. SUGDEN, — from guardians of the poor of the Great Boughton union, for the repeal of the bastardy clauses.

Emigration, — By SIR R. INGLIS, — of

Sir R. Wilmot Horton, Baronet, praying for the appointment of a committee, in the next Session of Parliament, to take into consideration the subject of emigration and colonisation.

Schools (Scotland), — By Mr. R. STEUART, — from Auchterarder, praying the House to take into consideration the state of the parochial schools in Scotland.

Severn Navigation, — Of the Worcester Chamber of Commerce, complaining of the defective state of the navigation of the River Severn, and praying the House to take the same into consideration.

Lunacy Laws, — By SIR C. BURRELL, — of Lieutenant General William de Blaquiere, for revision.

Education, — By Mr. HOPE, against the proposed scheme, — from St. Barnabas Openshaw, Manchester; and Scalby.

Ecclesiastical Courts (Ireland) Bill, — Of the registrar and deputy registrars of the archdioceses of Armagh and Dublin, and of the dioceses of Meath, &c., against.

Church Establishment (Canada), — By Mr. GOULBURN, — from members of the Society for promoting Christian Knowledge, for extension.

Bonding Warehouses, — From Bolton, for the establishment of inland bonding warehouses.

By Mr. PATTISON, against the establishment of inland bonding warehouses, — from the London Dock Company; East and West India Dock Company; and the Gloucester Chamber of Commerce (deputy chairman).

Queen's Printer (Scotland), — Against the renewal of the exclusive right to print Bibles, — from Crieff; Leslie (two petitions); Urr; and Crail.

Stage Coach Duties, &c., — By Mr. E. RICE, — from Dover, for repeal.

Church of Scotland, — Against further endowments, — from Fagan; and Ferry Port on Craig.

RETURN.

Bankruptcy Fiats. — On the motion of Mr. GROTE, Return ordered —

Of the number of fiats in bankruptcy issued from the 11th day of January, 1838, to the 11th day of January, 1839; distinguishing how many town fiats, and how many country fiats, were issued; also, distinguishing the lists to which the country fiats were issued, by the name of the town or district to which such list belongs.

COURTS OF EQUITY.

SIR E. SUGDEN. — I wish to ask the Noble Lord whether he intends to bring in a Bill to establish a new judge for courts of equity? I hope that the rumour abroad, to that effect, is unfounded.

LORD JOHN RUSSELL. — I have no intention to introduce a Bill for that purpose; but if any such measure be sent down to us from the other House, we shall, of course, consider it.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

LORD J. RUSSELL having moved the second reading of this Bill, —

SIR R. INGLIS said: — I wish to call the attention of the House for a few minutes to this Bill. When a Bill, nearly similar to the present, was brought before us last year, I stated, that if the Noble Lord should succeed in carrying it, he would be adopting a system which, year by year, and little by little, would have the effect of carrying all the measures contemplated by the general Bill, and at last of wholly undermining the ecclesiastical system of England. All the chapters in the country, with the exception, I believe, of only two, object to the course pursued by the Noble Lord, — not from any loss which their individual rights may suffer by that course, but from the very injurious results which it will produce on the interests of the church itself. By this Bill, the main question is prejudged. It is not a Bill for merely suspending ecclesiastical and cathedral appointments during the present year, but it provides that those appointments shall be suspended generally so far as the rights of the Crown and patrons are concerned, on a certain *rota*, and on principles similar to those contained in the Ecclesiastical Revenues and Duties Bill, which stands for committee this night. I wish, therefore, to ask the Noble Lord whether, if this Bill be carried this year, and renewed the next, and continued on in that way, it will not ultimately effect all those objects which the Noble Lord has in view, by the general Bill to which I have just alluded? I have many objections to the details of the Bill, which I shall reserve for committee; but I have this funda-

mental objection to its principle, — that it prejudges the main question, on which the House has reserved its opinion, and it will inflict all the evils which we have deprecated in the general Bill.

LORD JOHN RUSSELL. — I am ready to admit, if this Bill were continued from year to year till all the vacancies should have occurred, that the reduction of the cathedral stalls and chapters would be ultimately accomplished in the manner proposed by the general measure. I therefore quite concur with the Honourable Baronet, that that is a sufficient objection against the frequent renewals of this Bill, but it is not sufficient to justify an opposition to it during the present year. As far as I understand, there are no serious objections to the main object of the larger Bill, because that object is not to suspend or abolish cathedral stalls and prebendaries, but, to secure the raising of funds, in the least objectionable form, for the increase of religious instruction in the doctrines of the established church. With that object, I believe that neither the clergy nor the two universities are disposed to disagree. The question is, how are they to accomplish it? The matter has been submitted to the Archbishop of Canterbury, and to the Church Commissioners, and various proposals have been discussed by them, suggested by persons connected with cathedral chapters, who all unite in one wish — namely, to have the differences settled. It is on that ground, therefore, and not owing to any doubts which I entertain, myself, that I think the Bill for carrying out the Report of the Church Commissioners should stand over for another year. Under that view, I trust that the Honourable Baronet will give his consent to the second reading of this Bill.

Bill read a second time, and committed for to-morrow.

LOWER CANADA GOVERNMENT BILL.

LORD J. RUSSELL having moved the Order of the Day for going into a committee of the whole House on the Lower Canada Government Bill, —

SIR WILLIAM MOLESWORTH said: — The motion of which I have given notice, speaks for itself. The resolution which I shall presently move only gives expression to a truth which every man's conscience must acknowledge. No statement — no argument — is required to support what may almost be termed a truism. I shall not detain the House, therefore, more than a few minutes. My object in bringing forward this motion, is not to persuade the House of that of which it is already convinced; nor can I hope that it will induce the Noble Lord the Member for Stroud to redeem his promise — that this Session should not pass away without legislating for the permanent government of the Canadas: for nothing can be expected from the present Government. They are evidently unable to deal with the subject, and afraid to touch it. Their whole course, with regard to it, from the beginning of the Session, has been a disgraceful shuffle. They cannot, even with the best intentions, carry any measure without the leave of the Right Honourable Baronet the Member for Tamworth. For, in fact, they are not a Government, but mere holders of certain places during the pleasure of that Right Honourable Baronet. If the Right Honourable Baronet wished it, they would, no doubt, bring forward a measure with respect to Canada. It is not to them, therefore, but to the Right Honourable Baronet, that any one must appeal, who would obtain any practical result from a motion in this House with regard to Canada. If he will but hold up his finger in favour of this resolution, those who are called the Government will at once assent to it; and in that case, though the grouse may have a holiday during August, the disorders and miseries of Canada will be remedied. For the delay that has occurred, in however contemptible a light it has placed the Government, they are not responsible; for they are utterly without power — and the helpless cannot be held responsible. Not so with regard to the Right Honourable Baronet. It is in his power to settle this question, if he please. One word from him, and the thing is done. The Right Honourable Baronet knows that I am speaking the truth. It may not suit the convenience of his party to insist upon a permanent settlement of Canadian affairs; but it is in their power — in the Right Honourable Baronet's power, as their leader — to determine whether the people of Canada shall be driven to despair by the neglect of the Imperial Parliament, or at once relieved from the distractions and calamities by which their country is being impoverished and depopulated. Which, I ask, will the Right Honourable Baronet consult, — the convenience of his party, or the interests of justice, humanity, and sound policy? I do not despair of the Right Honourable Baronet's

being willing to sacrifice mere party objects to the higher considerations which are presented to him by this question. It is to him I appeal on behalf of the people of Canada. If he shall decline to aid them,—if he shall turn a deaf ear to their complaints and entreaties, — if he shall refuse to utter the opinion which he has only to express, in order that the Government shall do their duty, — then will the blame rest rather upon him, who is the real leader of this House, than upon the mockery of a Government which the Noble Lord represents. The Right Honourable Baronet recently quoted Lord Durham, as an authority in this matter. Now, I find, in that Noble Earl's Report, the following passage: —

The state of the two Canadas is such, that neither the feelings of the parties concerned, nor the interests of the Crown or the colonies themselves, will admit of a single Session, or even of a large portion of a Session of Parliament, being allowed to pass without a definite decision by the Imperial Legislature, as to the basis on which it purposes to found the future government of those colonies.

I would respectfully call the Right Honourable Baronet's attention to some other passages of Lord Durham's Report, which strictly relate to the question before the House. At the very commencement of that remarkable document, the Noble Earl says, —

While I found the field of inquiry thus large, and every day's experience and reflection impressed more deeply on my mind the importance of the decision which it would be my duty to suggest, it became equally clear that that decision, to be of any avail, must be prompt and final. I needed no personal observation to convince me of this; for the evils I had it in charge to remedy, are evils which no civilised community can long continue to bear. There is no class or section of your Majesty's subjects in either of the Canadas, that does not suffer from both the existing disorder, and the doubt which hangs over the future form and policy of the Government. While the present state of things is allowed to last, the actual inhabitants of these provinces have no security for person or property,— no enjoyment of what they possess, — no stimulus to industry. The development of the vast resources of these extensive territories is arrested; and the population, which should be attracted to fill and fertilise them, is directed into foreign states. Every day during which a final and stable settlement is delayed, the condition of the colonies becomes worse — the minds of men more exasperated — and the success of any scheme of adjustment more precarious.

Again, after having described the political and social state of Lower Canada, — the all-pervading and irreconcileable enmity between the contending parties — the entire and immediate disaffection of the whole French population — the suspicion with which the English regard the Imperial Government — and the determination of the French, and the tendency of the English, to seek for a redress of their present intolerable evils in the chances of a separation from Great Britain, — after having described all this, Lord Durham says, —

The disorders of Lower Canada admit of no delay; the existing form of Government is but a temporary and forcible subjugation. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Nor, according to Lord Durham, is there a less urgent necessity for promptitude on account of Upper Canada. The Noble Earl, after stating that the majority of the inhabitants of that province are loyal, and determined to abide by the decision of the home Government, says,—

I cannot but express my belief, that this is the last effort of their almost exhausted patience, and that the disappointment of their hopes on the present occasion will destroy for ever their expectation of good resulting from British connection. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await, in sullen prudence, the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population.

In concluding his Report, the Noble Earl again urges the necessity of a prompt and decisive settlement of the question of the form of government of the Canadas, in these words: —

In conclusion, I most earnestly impress on your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question,—not only on account of the extent and variety of interests involving the welfare and security of the British empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all your Majesty's North American possessions, and more especially the two Canadas.

And, lastly, the Noble Earl warns the Government of the fatal effects of delay, and of disappointing the expectations of the Canadians. He says,—

I, fortunately, succeeded in calming for a time the irritation that existed, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of your Majesty must naturally incline your Majesty to sanction, whenever they are brought under your Majesty's consideration. But the good effect thus produced by the responsibility which I took upon myself, will be destroyed, all these feelings will recur with redoubled, violence and the danger will become immeasurably greater, if such hopes are once more frustrated, and the Imperial Legislature fail to apply an immediate and final remedy to all those evils, of which your Majesty's subjects in America so

loudly complain, and of which I have supplied such ample evidence.

What the Government think of these urgent recommendations and solemn warnings, it is of no moment to inquire. But what, I ask, does the Right Honourable Baronet think of them? Will he tell the House, and the people of Canada, that he thinks they ought to be totally disregarded? Will he vote against the resolution, that merely declares that they deserve the serious and prompt attention of Parliament? Will he make himself a party to the cruel and wicked indifference of the Government to the sufferings of the people of Canada? Does he forget (however the Noble Lord may) the Prime Minister's declaration, six days after the receipt of Lord Durham's Report, that a measure should be introduced "before the Easter recess, for the purpose of putting a speedy end to the discontent that unhappily prevailed in Canada?" Does the Right Honourable Baronet forget the Noble Lord's repeated assurances to a similar effect? or the solemn and formal message from the Crown? Will he protect and sustain the Government in their deliberate attempt to break all these promises, — to shuffle out of obligations which ought to be held sacred by men having as much regard for their public as for their private honour, — to sneak — to sneak shabbily (for that is the word) — out of the discussion of a question which their own incapacity has rendered difficult, and which is wholly unmanageable in their feeble hands? But a discussion, at all events, they will not escape. Though Honourable Gentlemen opposite may favour the Noble Lord, by voting with him in silence against this motion, my Honourable Friend the Member for Liskeard will scarcely fall in with the wish of the Government to treat Lord Durham's Report as waste paper. I ask him, whether he thinks that further delay — that an indefinite postponement of legislation — is less excusable, at the present moment, than when Lord Durham warned the Government and the public of the ruinous consequences of allowing even a large portion of the Session to pass without some final and permanent settlement? And can the Honourable Member for Coventry (Mr. E. Ellice), whose knowledge of Canada, and whose deserved weight in the House on Canadian questions, no one is more willing to acknowledge than myself, — can he remain silent to-night, or vote against this resolution, which expresses his own well-known opinions, in order to accommodate the Noble Lord, or other Honourable Members whose thoughts are far from Canada, and directed towards the moors? It is said that nothing can be done at this late period of the Session; but the Right Honourable Baronet pledged himself that, at the very commencement of the next Session, the undivided attention of Parliament should be first directed to Canadian affairs. Why, I ask, not now, and at once? "This late period of the Session," means the near approach of grouse shooting; or so, at least, the argument will be translated in Canada. Why, the people think that the Members of this House ought to prefer the vital interests of the colonies to the amusements of the 12th of August. And who is to blame for this near approach of grouse shooting before the settlement of Canadian affairs? The affairs of Canada have been contemptuously neglected by both Houses of Parliament during the whole Session. Are Honourable Members to take advantage of their own wrongdoing, and to make past neglect an excuse for continued indifference? Party, or personal convenience, is the only ground on which this motion can be resisted. For my part, I declare that I am ready to put aside both considerations, in order that Parliament may do its duty in this case. Any permanent settlement is better than none at all. I expect nothing — nobody expects anything — from the palsied hands of the Government; but if the Right Honourable Baronet will apply himself seriously to this work, he may be sure of a large majority in both Houses of Parliament. The question really rests with him; his Yea or Nay would decide it. Once more imploring him to extend his protection rather to the suffering people of Canada than to the wretched Government which it may not suit his convenience to displace, I shall conclude by moving, "That it is the opinion of this House, that every consideration of humanity, justice, and policy demands that Parliament should seriously apply itself, without delay, to legislating for the permanent government of her Majesty's provinces in Upper and Lower Canada."

Mr. LEADER. — I second the motion.

SIR CHARLES GREY.—I agree with the Honourable Baronet, in thinking that this House ought not to separate without having a discussion on the affairs of Canada; but to everything else that has fallen from the Honourable Baronet, I am directly opposed. Pursuing a more cautious course than he has done, I shall venture to draw the attention of the

House to three or four important points connected with the subject itself. One of these is—the danger that may arise to this country from the mismanagement of the affairs of Lower Canada,—a point which I have never yet seen placed in a sufficiently clear point of view, as regards the hands into which Lower Canada may, in such case, fall. I would beg the House to turn its attention to the condition of the Gulf of St. Lawrence, and to its importance as a naval station, that they may see how much effect its loss would have on the military importance and the commercial interests of this country. Very recently, after my return to this country rom Canada, I heard—and I heard with stonishment from those to whose opinons some deference is due—that the province of Lower Canada was so remote, and so separated from the rest of the British empire, that it could afford no facilities for aggression, in case it should ever be lost to us. If any Honourable Gentleman will cast his eye over the map of the world, he will find no spot on the surface of the habitable globe so pregnant with danger to this country, from its natural situation, as the waters of the St. Lawrence. It is, in fact, a Baltic of our own; it is an inland sea; and it only requires an outlay of capital and industry to develop its resources, make it teem with productions, and to present an appearance calculated to work the greatest effects on the condition of European nations. England has it in her power to make the Gulf of St. Lawrence as useful to her, as the Baltic is to Russia, and the other countries around it. It is, like the Baltic, protected from attacks, for a very large portion of the year, by the ice which chains its waters; but, unlike that inland sea, it has the advantage of three outlets, which could be easily defended, and which it would require a very large force to blockade,—namely, the Straits of Belleisle, or the passage between the main land and Newfoundland; the main entrance to the waters of the St. Lawrence; and the Gut of Kanoe, between Cape Breton and Nova Scotia. All these must be guarded—in case of separation from this country, and at a period of war—by British fleets, at the period of the breaking up of the winter, amidst the fogs of Newfoundland. It has been considered that, if Canada were dissevered from this country, it would be joined to the United States of America. That is by no means a necessary consequence. If I were certain of this event happening, I should not feel the alarm I now do on the subject; for, on turning over the annals of past times, I do not recollect an instance, in ancient or modern history, in which a parent state has been destroyed by its colonies, or children, when embodied under principles and a system of policy similar to her own. States are usually destroyed by other states which are opposed to them in opinion, and alien to them in habits and manners. It is most probable that Canada would not fall into the hands of the United States; but—and I am, in consequence of the existing relations between the two countries, enabled to make this statement without being thought invidious, or wishing to raise jealousies in the heart of France—England would not have given up the possession of Canada for two months, before a French fleet would be anchored in the waters of the St. Lawrence, to protect the ancient subjects of France. They would be almost bound to take this course by the treaty of 1763; and they would be further urged to it by the ancient feelings and recollections with which Frenchmen would naturally regard New France. I cannot but recollect the feelings which were manifested, shortly after the peace of Amiens, by one of the most celebrated statesmen of France, towards Louisiana, and the other French settlements on the banks of the Mississippi and the Ohio, which it was the intention of the French Emperor to have taken possession of, had he not been prevented by the resumption of the war in Europe. On abandoning these countries, such measures and precautions were adopted as would render it impossible that they should fall into the hands of England, unless she involved herself in a war with the United States. If Canada, therefore, were abandoned by England, it is more than probable that France would be obliged—even if she were unwilling—to resume her power within the waters of the St. Lawrence. I am happy to say that no danger is to be apprehended from either France or the United States at the present time;—but it would be most absurd of us to abstain from considerations of this kind, though we were the best and most attached allies. Again, would Ireland be exposed to no risk or danger from an adverse power having possession of the Gulf of the St. Lawrence? Canada, by its confines, comes in contact with Russia, and is the seat of the most valuable fur trade in the world,—the greater part of which belongs to this country, and of which Russia has just sufficient to excite its cupidity. Under these circumstances, it is impossible to undervalue its importance to the Crown of Great Britain, either as a commercial, a military,

or a naval station; and I am convinced that there is no spot which, in adverse hands, could so materially prejudice the commercial and naval supremacy of Great Britain, as the waters of the St. Lawrence. During six months of the year, Canada is unapproachable by her rivers; but in the spring months, upon the opening of her waters, there are three different exits for them from the St. Lawrence, all of which would require to be watched. I feel it to be an imperative duty devolving on British statesmen, never to abandon this province. I dwell upon this particular topic, because I never heard, it touched upon before, and because I feel convinced of its paramount importance. Perhaps it will be said that no intention whatever is entertained of abandoning Lower Canada; but I have heard, both in this and the other House of Parliament, from men of weight and influence, what induces me to believe in the possibility of such an intention being entertained. It is not, however, in this point of view that I regard the question; what I want to secure is, your active exertions to prevent confusion and to restore tranquillity in the province.

Let the House turn its attention for a moment to the other extremity of the United States. If Canada be treated with neglect, it is not unreasonable to suppose that something like the scenes of Texas would be there enacted? In that event, a settlement could be obtained only by some great power occupying the place which England had abandoned. The question is one at every stage of which we should act with the utmost deliberation. I hope I may say, without any offence to the Honourable Baronet who introduced this motion, — without offence to the Noble personage alluded to by the Honourable Baronet, whose Report I have read with the utmost attention, — that some passages of that Report remind me of the old proverb, "The more haste, the worse speed." I certainly did expect to hear the Honourable Baronet propound, at least, the heads of a plan; but it is easier to fire a shot than to construct a fortification. I think it would be exceedingly easy to state a number of practical difficulties which lie in the way of that union of which the Honourable Member for Liskeard is so warm an advocate. Not the least considerable of these is, that respecting the dominant religion, in the event of the two provinces being united. If the principle of representation formed on the numerical majority be adopted, unquestionably, the dominant religion must be the Roman Catholic. Taking the number of the inhabitants of Lower Canada at 600,000, 450,000 of these consist of French Canadians. There is, in Lower Canada, besides, a considerable body of Irish Roman Catholics. I feel assured that I do not overstate the number of Roman Catholics in Lower Canada at 500,000. As to the number in Upper Canada, I do not think that there is any accurate evidence.

Mr. C. BULLER. — They are about 70,000 by the last census.

SIR C. GREY. — When it is considered that the Roman Catholic religion was the religion of Canada before that territory was acquired by England, and that Canada then possessed abundance of Catholic institutions, I cannot think of trying to rob that religion in Canada of its just influence. If, therefore, the united legislation for the two provinces were constructed on the principle of giving the absolute majority to numbers, I say with confidence, but not with regret, — not supposing that the fact should constitute any substantial objection, — that that majority should consist of Roman Catholics.

But the Honourable Member for Liskeard has stated, without reserve, that one of his first steps would be, to compel the French to renounce their language, — not their religion — (of course, such an intention could not be for a moment entertained,) — but to compel them to adopt the English language in all public proceedings, and to renounce their present tenure of land, and to submit to the breaking up and alteration of their whole social system. Now, it is to be borne in mind, that the endowments of the Catholic church, and especially tithes, are interwoven with these tenures, to which its friends and supporters in Canada naturally look for its continued maintenance. Under the treaty by which Canada was ceded to England, the Canadian ecclesiastics had preserved to them, "custom dues," including tithes. At the period of that treaty, the whole of the land then brought into cultivation in Canada, was in the hands of Roman Catholics, and paid tithes. The land since added is, for the most part, held in soccage tenure by Protestants, who do not pay tithes. It was specified, that all the land paying tithe at the time of the treaty should continue to pay tithe, so long as it was occupied by Roman Catholics; and when the land fell into the hands of Protestants, the payment of tithe ceased. Can any one suppose that

men who form the most enlightened body in that country, and who are connected with an equally enlightened body in Europe, — men who have evinced the most laudable abandonment of self, and the most ardent desire to preserve everything that belongs to their church, — can any one imagine that they would be so blind to the great object of their institution, as not to use means to prevent the land from falling out of the hands of their followers? It therefore cannot be matter of surprise, that in very few instances indeed have these tenures fallen out of the hands of the Roman Catholic *habitans*. It is true, that in many instances the English have become *seigneurs*, or lords of the manor; but the character of lord of the manor in Canada does not necessarily imply much influence or wealth. In fact, the freeholders possess all the landed value; they pay the landlord a mere quit rent, and it is they that pay the tithe. As these *propriétaires*, then, are almost all Roman Catholics, of course they all pay tithe. Can any man, acquainted with the influence which the Catholic clergy possess in Lower Canada, — with the character of that clergy, — calculated as that is, to do honour to any country in Europe, — imagine that such a body of men would readily part with their legal maintenance in the shape of tithes? or that the *curés* or rectors of Canada could be reduced to beggary, without one effort being made in their behalf? When the Honourable Member for Liskeard propounded his plan, he should have embodied in it an ample compensation to the Roman Catholic clergy, for the tithes to be abolished by the abolition of these tenures of land. We are bound to preserve these ecclesiastical endowments. We could not, if we would, — we ought not, if we could, — abolish them. There are many other considerations which would operate as powerful obstacles to the proposed union: amongst others, the difference in the productiveness of the revenues of the two provinces, — that of Lower Canada exhibiting a surplus of 100,000*l.* per annum; that of Upper Canada, no surplus at all. I am one of those who warmly admire the firmness displayed by the Government in suspending the functions of the House of Assembly, whose existence at the present time is incompatible with the safety of the country. Had the Assembly continued to exist, Canada would be safe neither from the incursions of bands of turbulent and disorderly spirits from the American frontier (with whatever zeal the Government of the United States might exert itself to repress them), nor from the probabilities of constant domestic outbreaks. The first thing which I would urge on the attention of the House is, the absolute necessity of doing nothing contrary to the principles of liberty and of the British constitution, which are impressed as deeply on the minds of the Canadians as of any other British subject. I would next urge the necessity of holding the principles of property sacred, in Canada. The *habitans* went to a wilderness, and reclaimed it by the toil of their own hands. Whatever they possess, they have earned by the sweat of their brows, and the tenure of that property should surely be held sacred. With respect to the powers of taxation given by this Bill, I ask, whether it will not be likely to irritate the Canadas, and to disincline the feelings of Upper Canada to the union, to find that it is intended to give the Governor in council the power of fixing unlimited taxation? If it had been only proposed to confer upon them the power of establishing tolls or duties, — a power which would be quite sufficient to empower joint stock companies to raise money for the purpose of carrying on their works, — the proposition should have had my cordial support, and would have met with no opposition. But the words of the present measure are large enough to give the power of imposing taxes on lands and tenements in order to raise funds for these undertakings. How would such a provision be received by the French Canadians who dwell upon the banks of the St. Lawrence? Would it not be sufficient to throw the colony into a flame, from one end of it to the other? Among these French *habitans*, property has been very much subdivided, and, consequently, there are no large possessions, — very few *propriétaires* holding more than thirty acres. In addition to this, the people are rather slovenly in their agriculture, and have but little money. The result would be, that a very small tax would press most heavily upon them. Tithes are found to press heavily upon them; the small rent which is paid to the *seigneur* presses heavily upon them; and the House may depend upon it, that a tax, which, in this country, would not appear sufficient to break a fly's back, would break their hearts. It has been made a matter of great complaint in the colony, against one of the most amiable men in the world, — I mean the late Earl of Dalhousie, — that he appropriated part of the revenues of the land, without the approbation of the House of Assembly. There was a similar charge made against Lord Aylmer. In fact, they

were of all kinds, and from all quarters. I think, that if means were afforded to Lower Canada, of giving great expression to the popular voice of the country, — such as would be furnished by extending to the colony the advantages of municipal institutions, — it would be useful, and would open the way to a safe and free government. Before it is attempted to unite the two provinces, it would be very expedient, for some time previously to the adoption of such a measure, to attempt to unite, at one season of the year, the Legislative Councils of both the colonies, and to see what the effect and tendency of such a course would be.

SIR R. PEEL. — Sir, I will first address myself to the resolution which has been moved by the Honourable Baronet the Member for Leeds, and which proposes to declare, that, in the opinion of this House, every consideration of humanity, justice, and policy demands that Parliament should seriously apply itself, without delay, to legislating for the permanent government of Canada. Now, in the first place, I hold myself entirely free from responsibility for the delay which has already taken place in the introduction of a measure upon this subject, whatever responsibility I may incur by my future proceedings with reference to it. I thought it right to determine, without delay, what course was to be adopted with respect to Canada; and therefore, at the earliest period of the Session, I asked the Noble Lord the Secretary for the Home Department, whether the Administration intended to legislate during the present Session for the future government of Canada? and I received an assurance that it was intended to introduce a measure in the present Session. After some weeks, I again asked the Noble Lord whether or not, before Easter, an opportunity would be taken of introducing a legislative measure, by which the future government of Canada would be provided for? To this question I received a second assurance that it was intended, on the part of the Government, to submit to the House a legislative measure before Easter; and I then intimated, that, unless a measure should be brought forward before Easter, the opportunity of legislating in the present Session would be lost, and the Session would pass away without anything being done. If I could have foreseen that the intention of legislating would have been abandoned by her Majesty's Ministers, I should myself have submitted some proposition to the House for the purpose of bringing the question to an issue. It was not until an advanced period of the Session that the Government was understood to have abandoned, for the present, all intention of legislating. The Honourable Baronet the Member for Leeds asks me to discard all party considerations in the discussion of the present question; and I certainly mean to act upon that principle; but I fear that if I concurred with the Honourable Baronet, and affirmed his abstract resolution, I should forget his advice, and should really be acting upon party considerations. If the House be now, on the 11th of July, prepared to legislate upon the subject of Canada, why should it go through the form of a preliminary resolution, instead of proceeding at once to a practical measure? If the Honourable Baronet asks me for a pledge upon the subject, my answer is, that I still hold the opinion which I expressed on a former occasion, — that it is the duty of the House not to allow the colonies to remain in their present condition till next Session, without addressing itself to this question, unless the Government, meantime, express clearly what course they mean to pursue. I must say, however, that in inviting my co-operation upon the present resolution, the Honourable Baronet gave me very little assistance towards discovering the nature of the practical measure which the Honourable Baronet would propose. The Honourable Baronet did not mention the conditions upon which he wished a union of the provinces to take place; and, were I now to agree to unite my efforts to those of the Honourable Baronet, I should really be at a loss to know what it is that I might be called upon to assent to. I call upon the Government to tell the House, distinctly, what are now their views upon this subject? If the Government abandon all intention of a union of the provinces, let that fact be known. If they seriously contemplate a union, let them give a full and distinct explanation of the details of the plan by which it is to be effected, with some assurances as to how far it is likely to give satisfaction to the people of the country. No individual Member could undertake the task, — for he has no means of ascertaining what measure would be acceptable to the people of Canada. I know not what measure to propose; but I must say, that I could have wished that the advice which I gave three years ago — namely, that the House should go into a committee of inquiry, in order to ascertain what the sentiments of the people of Canada were with respect to a union of the provinces — had been acted on. Unless her Majesty's Government give us the means of judging on this

question, by making such inquiry, as to the feelings and wishes of the people for whom the Government is to be constituted, it will be impossible to come to a settlement of the question. They must either do that, or bring forward a measure upon their own responsibility, which they shall be able to recommend, after having considered all the details of the question, with some reasonable prospect of success. I therefore cannot concur in the notice of the Honourable Baronet. The Honourable Baronet may say — and with reason — that all other considerations ought to be postponed. But can any man believe, after he should have affirmed the Honourable Baronet's resolution, and excited the expectations of the people of Canada, and after the abandonment of a measure by the Government, that Parliament could now, by itself, proceed with any hope of success permanently to legislate for that country? I do not believe we could produce a satisfactory measure for determining the future government of Canada; nor that, if we give any pledge now, we should be able to redeem it. I regard this, as one of the most difficult problems to solve, that has ever come before Parliament.

The first step which, in my opinion, ought to be taken, towards the settlement of this question, should be, fairly to examine those conflicting difficulties, which it would be necessary to reconcile, — instead of beginning by a discussion of the policy of a union between the provinces. I agree with my Honourable Friend, that we ought to maintain the Canadas. If the Canadas were adverse to British maintenance, I feel bound to say it would be almost hopeless to think of maintaining them; but the British population of our colonial possessions in North America have declared their firm allegiance to the Crown of England, and have proved, by exhibitions of the greatest courage and fortitude, and by the manner in which they have endured the most unjust sufferings, that they are determined to maintain that connection, and to prove themselves worthy of the name they bear. I do not consider that it would be compatible with the true interests or honour of this country, to look to the pecuniary question, — even if in favour of separation,—and, if an attempt at separation were made, to reject the offer of that gallant people, and to tell them we were not willing to maintain their connection with this country, or to support the integrity of the British empire. If we were to do so, the glory and strength of the nation would be extinguished. It is impossible, at the same time, to overlook the immense responsibility we have incurred. The Government of Canada must be so constituted as to maintain its security against either foreign aggression or internal warfare; and I would constitute it solely for the interests of the people of that country, without regard to any advantage to the people of this. We have no pecuniary interest in it; and I have always said so. We gain nothing by the Canadian duties; and I therefore think that the Government of Canada ought to be constituted only in reference to the welfare, the feelings, and the wishes of its people. That is the very means by which we could secure its connection. Admitting that, let us, then, look at the practical difficulties to be dealt with. We have two races, speaking different languages, of totally different customs, living under different laws; and it will be necessary to ascertain what security would be given to the interests of the minority, when their union shall have been effected. I know that some Gentlemen have implicit confidence in the wisdom and judgment of a majority. I have not implicit confidence in a majority; and immediately after the suppression of an insurrection, I have still less. I must be well assured, in considering any measure for uniting the two provinces, and introducing British laws for the maintenance of British supremacy, that the measure will not have the effect of exposing to injustice those who now form the majority of one province, but who would be the minority in case of a union. Who can deny that we are bound to fulfil the treaty under which the Canadas were acquired? The religion of the people of Lower Canada is Roman Catholic, whose securities we must continue; and I am not perfectly certain, that any modification of the elective franchise, really compatible with a British constitution, — giving it to property and numbers united, if you please, — would produce the effect of securing to them a fair and legitimate influence in the popular Assembly; nor, after the obstructions we have met with, am I sure that, in an Assembly of the united provinces, they would have, by that means, any such proper security against a preponderating influence of the British party as would counteract the intention of Parliament. At all events, no party unconnected with the Government is competent for the task. Either the Government must propose some scheme for the settlement of the question, founded upon extensive inquiry, and upon their then present knowledge of the feelings and wishes of the inhabitants, and calculated to bear upon their respective

interests; or Parliament must take it up, and begin by making the inquiry I have already suggested. The Honourable Gentleman said that the time for a union is passed. Now, had I to deal only with the French Canadians, I doubt if it would not be for their interests to continue for some time a strong, but just and lenient, Government, instead of uniting them to a people from whom they differ in so many respects. I must confess that I think any attempt to amalgamate the two provinces, at present, would prove a failure. We have also to take into consideration the feelings and wishes of the British population of Lower Canada. Then we have to consider, with regard to Upper Canada, that those commercial facilities and advantages which belong by nature to that country should not be withheld by arbitrary institutions. Upper Canada is undoubtedly entitled to the navigation of the River St. Lawrence, and it would be necessary to provide for securing it to her. Therefore do I conceive that the best way to arrive at a settlement of this great question would be, — not by dealing in vague assertions respecting the propriety of a union between the two provinces, but, by ascertaining and stating, as the preliminary course to a satisfactory arrangement, the difficulties with which the question is encumbered, and the comparative state of the various interests involved in it.

I now come to the speech of the Right Honourable Gentleman opposite, who has endeavoured to convince me that I was entirely wrong in supposing, as I stated the other evening, that we had made no advance towards a settlement of the question. I certainly stated, that I not only did not see any immediate prospect of a settlement, but that I saw none in the vista of futurity; and whatever glimmering twilight of such a prospect I might have had when I declared that to be my opinion some evenings ago, the speech of the Right Honourable Gentleman has completely extinguished it; for he not only held out no prospect of a settlement of the question by way of a union, but directly showed — at least, such was the tendency of his speech — that a union is almost impracticable. In proof of our having advanced towards a settlement of the question, the Right Honourable Gentleman says that we have established a despotism, — that we have now got a strong Government! Now, when I said I did not see any prospect of a satisfactory settlement, I was not denying that the measure which abdicated the functions of the House of Assembly, and established a strong Government, was not a necessary measure on the part of the home Government, — I was merely referring to the documentary evidence in our possession. The Honourable Baronet said, we had got a fulcrum from which to act. I deny that the mere establishment of an arbitrary power is an advance towards the future settlement of the question; and I think that the Right Honourable Gentleman must be of my opinion,—"for," said he, "in this ocean of affairs, convulsed by the tempest around us, we have at length settled upon a rock." That is a consolation which the afflicted mariner would be little disposed to prize, and that is a position which I would be little inclined to regard as a place of safety. Then the Right Honourable Gentleman proceeded to lay down the principles upon which the future government should be conducted, and pointed out the advance which, in his opinion, had been made towards the future settlement of the question. The Right Honourable Gentleman, however, merely suggested a set of truisms which are applicable to all times. His first principle was, that the Governor should observe the law. Who said he should not? "The Canadians are particularly fond of justice," said he, "and therefore the law should not be outstepped in governing them." I admit the justice of those remarks; but I do not see how they prove that any advance towards the settlement of the question has been made. These are the principles by which all governors should be guided. Well, the Right Honourable Gentleman's second maxim was, — make property secure. The Canadians, as he alleges, have a particular attachment to property. Why, there is no people who do not consider that property is the first bond of society, and therefore ought to be made secure. If the Right Honourable Gentleman applied his remark to the Bill then before the House, it would have been more appropriate. As I understood the remark, it was, that especial care should be taken not to shock the feelings of the Canadians, either by interfering with the tenures of property, or subjecting them to taxation to which they are not accustomed. I agree with the Right Honourable Gentleman in that opinion, if applied to this Bill. I think it a point deserving of our most serious consideration, whether or not the powers given by this Bill, without a much greater limitation than is at present fixed, would not have a tendency to shock those feelings which the Right Honourable Gentleman said are so peculiarly sensitive amongst the Canadian people. But the documentary information which has been supplied by

the Right Honourable Gentleman, unless his speech of this evening, does not satisfactorily afford the elements of a settlement of the question.

Again, the Right Honourable Gentleman recommended municipal institutions. That was his third proposition. It might be a wise measure to introduce municipalities, with extensive powers for local improvements; at the same time, it is a consideration tolerably obvious, without any preliminary inquiry, or without regard to the question of a union of the two provinces. The fourth suggestion of the Right Honourable Gentleman was, that there should be established a sort of *ad interim* government of the two provinces; — that is to say, that the Legislative Council of Upper Canada, left as it is, should confer with the Governor and Legislative Council of Lower Canada upon measures of joint concern. My objection to that is, that we should not dispossess the popular body of the authority it possesses, and leave the affairs of Canada to be settled by the provisional Government of Lower Canada, and the Government of Upper Canada as it exists. That suggestion, offered by way of a practical remedy for the difficulties in which the question is involved, might be regarded as a set-off for the suggestion of municipal institutions. I must, therefore, say, that the Right Honourable Gentleman, who has been in Canada, and who is a gentleman of great legal knowledge, in presenting to us all the fruits of his experience in the course of his speech, has, at the same time, produced in my mind the reluctant conviction that a more sorry result I have never witnessed. It is impossible for me to support the motion of the Honourable Baronet. If we are prepared to legislate this Session, we should proceed at once. If we are not to legislate until next Session, I will give no pledge upon the subject. I readily admit that the affairs of Canada ought to be the object of paramount concern in the next Session; but I never would imply a distrust in Parliament by requiring it to pledge itself, one Session, as to the course it should pursue the next. Before I proceed to the consideration of the clauses of the Bill, I wish to make some observations respecting its general character and operation. I conceive it to be a fairer course towards her Majesty's Government, before entering into a discussion of the details of the Bill, to take a preliminary discussion upon the principle, — because we have not, as yet, had any explanation as to the particular object of the Bill. I had thought, from the general declaration of the Government, that it was intended to extend the period of the existing measure for some short time, providing for some anticipated difficulty that might occur in 1840, and granting some more extended powers for the maintenance of the public peace. I have no hesitation in saying, that I am prepared to give to her Majesty's Government any powers which may be necessary for repressing disturbance, and preserving the public peace; but I am glad it is not intended to extend the duration of the last Bill. The Act of last year expires on the 1st of November, 1840; and I am very glad to find that her Majesty's Government consider that there would be no risk of inconvenience from allowing it to expire at that period. The present Bill, therefore, does not apply for any extension of the period for which the provisional Government was to endure; neither does it alter the Act of last Session. If such application should afterwards appear to be necessary, it can be made next Session. There is a provision in the present Bill for the more permanent duration of certain of the ordinances, or the whole of them, passed by the provisional Government, which would otherwise expire in the year 1842. It is not intended to propose any alteration in the Bill in that respect; but what has excited a doubt in my mind is, a reference to the Bill for uniting the provinces of Upper and Lower Canada, which expressly provides for any ordinances that may be passed before the 1st of January, 1842.

LORD JOHN RUSSELL. — If I had gone on with that Bill, I intended to have proposed that the Bill of last year be continued till 1842.

SIR R. PEEL. — As the law stands, although an indefinite duration would be given to the ordinances of the provisional Government, the provisional Government cannot exist beyond the year 1840 without the interference of Parliament; and I was, therefore, somewhat startled at seeing the provision to which I allude in the Bill for uniting the two provinces. The second part of the Bill to which I wish to call attention is the third clause. That clause contains much more extensive powers of taxation than I think are at present contemplated by the House. First of all, let us consider what are the restrictions as to the taxing power imposed upon the provisional Government at present. By the Act of last year, the Governor and Special Council had not the power to impose any tax or rate, save only so far as concerned the continuance of any tax or rate payable within the province at the

time of the passing of the Act. The second restriction was to this effect, — that the provisional Government could not appropriate for the provisional service, in any one year, any further amount of public money than was appropriated in 1832, — except, only, so far as was necessary to provide for the repayment of advances made by the British Treasury. But this Bill repeals the restrictions imposed by the Act of last Session altogether, and permits the levying of any tax or impost within the province to any amount, and without any restriction beyond this, — that the proceeds of such taxation should be applied to local improvements within the province. It also provides that no such tax or impost shall be levied by, or made payable to, the receiver general; and that no such ordinance shall be made by the Governors, either with or without the advice of the Council. Now, I wish to call the Right Honourable Baronet's attention to this. The Bill goes to remove the restrictions, that no tax shall be imposed or levied by the Governor and Special Council, except in continuance of an existing tax; and it gives to the Special Council the power of unlimited taxation, provided, only, it be for local purposes. Now, what are the objects of municipal government? Under these vague and general terms, every expense of a domestic nature may be included. If the Noble Lord had said, "The police of Montreal and Quebec is defective, and there is no power to provide a remedy,"— if you had specified to me some particular objects for which you wanted a distinct and defined power, — I would not have withheld it. If, I say, there had been some distinct and particular statement of the object for which you wanted power, and of the evil to which you wished to apply a remedy, I would not have denied you the power to effect the object, or the means of remedying the evil; always provided that your case had been made out. I can readily admit that the police may require improvement; and the course which the Government ought to have pursued was, to give a distinct enumeration of the objects for which this power of taxation is required. I would not now refuse it, if you had succeeded in showing its necessity. The Right Honourable Gentleman opposite has laid upon the table of the House, in the last few days, a Report of the Council of Lower Canada, in which some approach is made to such a signification. They think —

That the Governor and Special Council should be empowered to impose taxes for purposes altogether local, — such as the maintenance of a police force, the lighting and paving of streets, and for otherwise improving towns and villages, and to increase or reduce local rates already existing; and further to pass ordinances for the under-mentioned purposes, — namely, for the inspection of produce, and to impose rates of inspection; for authorising companies or individuals to construct railroads, canals, bridges, and other internal communications, and to impose tolls and rates of transport thereon; for the borrowing of money for internal improvements, on the security of the revenues of the province.

I am also referred to the Bill for the union of the provinces, which contains a specification of the power to be exercised by the municipal authorities, and the objects to which local taxation is to be applied. From these different sources we may gather what is meant by municipal objects: but there is no precise definition of the phrase; and there is a Bill now under consideration of the House, which, if it become law, will very much extend the meaning of municipal objects. The Bill to which I refer, proposes to give to town councils the power to raise money, not only for ordinary municipal purposes, but upon agreement of two thirds of the council to raise money for the public benefit of the borough, and the inhabitants thereof, by levying a rate on the inhabitants. Municipal objects may, therefore, have a very extensive meaning next year; and there will be no restrictions whatever on the power of the Governor and Council to raise money, on the ground of effecting local improvements, and promoting municipal objects. In another point of view, the Governor and Council will still be prevented from appropriating to the public service more than was appropriated in 1832, or about 40,000*l.*; but they will have unlimited power of taxation for local improvements and municipal objects. I must repeat, that I am perfectly ready to consider any *bonâ fide* improvements or municipal objects that may be specified; but I object, totally, to this unlimited power of taxation. I am also ready to enable the provisional Government, by the suspension of the Habeas Corpus Act, if necessary, to maintain internal tranquillity, and to put down insurrection. But it is absolutely necessary to define and limit the power of taxation. Lord Durham, who felt the necessity of some power of taxation for local improvement, proposed that an ordinance, imposing a tax, should have no force until laid before Parliament. I will ask, whether this clause gives the power to the provisional Government to incur debt for the promotion of internal improvements? If so, it may not only tax the colony to an indefinite extent at present, but mortgage its future revenues; and the new muni-

cipal institutions that are to be created, will find it their principal business to raise funds to pay the interest of the debt so incurred. It is impossible that Parliament can contemplate giving a power of this kind. I cannot undertake to amend the clause; but, as it now stands, I must oppose it. If I am asked why I do not propose an amendment? I answer, that it is part of my argument that the clause does not admit of amendment; at all events, it is not a part of my duty to render it such as the House can adopt, — and, with the imperfect information which is within my command, I cannot propose a new clause to supersede that to which I am now alluding. I will give the provisional Government the power that may be necessary to prevent the obstruction of public improvements, to maintain the authority of the Crown, and repress insurrection; but I must contend for a limitation of their discretionary power over taxation.

So much with respect to taxation. I now come to the fourth clause, which gives most extensive powers. I do not know whether I comprehend the general powers that are given by this clause; but I find, on referring to it, that there is a power created to repeal, suspend, or alter any provisions of any Act of Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as now constituted, repealing or altering any such Act of Parliament. Let us know exactly the position which is established by this clause. I do not apprehend that greater power is to be given to the Governor and Special Council than the colonial Legislature previously had; but in the original Act, granting power to the Legislature, there was superadded this restriction, — that they should not have the power of repealing or altering any Act of the British Parliament. In repealing this restriction, is an unlimited power given? or is it only given to the extent which the original Legislature had? Do you, for instance, intend that the Governor and Special Council shall have the power of dealing with the tenures of land? If it be fitting to give the power of dealing without limitation with the tenures of land, surely that is establishing a strong presumption that the Governor and Council may be safely intrusted with the general administration of the province. I cannot help thinking that it was the original intention of the Government to propose some limitation on this subject. I find it is not inconsistent with the terms of the clause itself, in the margin, by which this power of altering the law of tenures is expressly limited to the enfranchisement of the Montreal district. I hope that every Gentleman will read this marginal note, and he will find that it is not intended that the Governor and Special Council shall have a general power of altering the laws of tenures. This is another proof that matters of this sort are not prepared with that care which they require. I admit, in a spirit perfectly fair, that I would not withhold this power, if they showed me, in a special case like that of Montreal, an opportunity of effecting a great public good, with the good-will and consent of all parties, — which, if they are deprived of this power, could not be effected. I will vote for granting that power in this special case, or in any other special case of a similar nature; but to alter the whole law of tenures, after the speech of the Right Honourable and Learned Gentleman, showing the connection of the Roman Catholic religion with the tenures of property, I certainly will not consent. I ask, is it right to give to a Governor and Special Council an unlimited power of altering this law? I make no objection with respect to the duration of the present law. This law will expire in 1840; but if I were convinced of the necessity of renewing this law, I would consent to a short renewal. As the law stands, the power of the present Government will expire in 1840. I must say, therefore, that I do not think it prudent to give to the Governor and Special Council the unlimited power of taxation which the third clause gives, or those extensive powers of altering the law which are given by the fourth clause. It is said that in consequence of the restriction imposed on the provisional Government by the clause commonly called Sir William Follett's Clause, the power of suspending the Habeas Corpus Act is not given. There are doubts on the subject. How will the clauses of the present Bill solve those doubts? Why not specify the nature of the doubt, and provide a distinct remedy? The Governor and Council have no higher power than the colonial Legislature had. Has the Legislature the power of suspending the Habeas Corpus Act? Is it perfectly clear that the colonial Legislature ever passed a law to suspend the Habeas Corpus Act?

The ATTORNEY GENERAL. — It has been done in Upper Canada.

SIR R. PEEL. — With respect to the power itself, I am ready to assent to it; and, as far as I can ascertain from the last accounts that have reached me, I en-

tertain doubts whether, in the present state of the colony, we ought to refuse to the Government of it, into the hands of whomsoever it has been committed, full power to maintain the authority of the British Crown, and to provide for the security of its subjects? I have stated the grounds on which I object to those clauses of the Bill giving unlimited powers of taxation and legislation; and I think it right to state my view of the probable general operation of the Bill, before going into committee. I will not undertake the modification of those clauses according to my own views,— not having that information which is absolutely necessary to undertake such a task; but I trust that Government will, and I cannot help thinking that it is the sense of the House that the Government should,— taking all the powers that are necessary for all specified local improvements, and for maintaining the public welfare,— impose some limitations on the extensive powers that are proposed to be given by this Bill.

SIR C. GREY. — I beg to be permitted to explain. What I recommended was, that after the establishment of municipal councils throughout both provinces, on a good plan, the Legislative Council of Upper Canada might, to a certain degree, be dispensed with, not abolished; and certainly not that the Assembly should be suspended or destroyed, but that the functions of the Legislative Council of Upper Canada should be conducted by a union of part of its members with the Special Council of Lower Canada, mainly for the purpose of giving their assent or refusal to the Bills of Upper Canada, and of exercising some control over the Legislature of Lower Canada. The Right Honourable Baronet has stated that I have furnished him with a sorry entertainment. The Right Honourable Baronet should, at all events, recollect that the entertainment was gratuitously provided.

LORD JOHN RUSSELL. — I do not think it necessary to detain the House with many arguments against the proposition of the Honourable Baronet the Member for Leeds, seconded as it was by the Honourable Gentleman the Member for Westminster (Mr. Leader). The Right Honourable and Learned Gentleman who has since risen, pointed out the disadvantages of this proposition. The Right Honourable and Learned Gentleman has long attended to the state of Canada; he is intimately acquainted with it, and he is warmly attached to the maintenance of British authority in that province, and to the maintenance of the rights of the Crown; and at the same time entertains every regard for the interest and welfare of the people. He cannot but recollect, on the other hand, — whatever may be the view of the mover and seconder of this motion at the present time, — that in December, 1837, their views appeared to be, the subversion of British authority, the defeat and disgrace of British power, and the entire destruction of what is called "the British party" in Lower Canada. At present, it appears that the opinions of these Honourable Members have undergone a sensible mutation; and, having changed them, they now come and ask the Government suddenly to adopt a course of conduct which, according to their present views, is the best that can be adopted. Her Majesty's Ministers having made up their minds with regard to the best course to be adopted, I must be allowed to say, that they are not disposed to change their determination, in deference to the authority of the Honourable Baronet the Member for Leeds,— seeing what a dangerous course they would have taken if they had followed that Honourable Baronet's guidance on the former occasion. The Right Honourable Baronet the Member for Tamworth denies that he considers himself as in any way responsible for the delay that has taken place in legislating with respect to Canada during the present Session; and — the Right Honourable Baronet having stated that he is not so responsible — I am certainly not about to say that I consider him, or that I can place him, in a situation in which I can hold him, responsible in any way; but, at the same time, I cannot allow the other inference to be drawn — (which might be drawn from the statement of the Right Honourable Baronet), — that the putting questions in this House to me at an early period of the Session, and repeating them afterwards, is, by any means, apparently and ostensibly urging on the Government the duty of legislating during the present Session. Now, when the Right Honourable Gentleman put his questions, I did not know whether it was the opinion of the Right Honourable Gentleman that it would be for the public interest that we should proceed to legislate, or that legislation should be delayed; and I asked many Honourable Members what they thought was the opinion of the Right Honourable Baronet? Some said that the Right Honourable Baronet was anxious for legislation; and others said that the Right Honourable Baronet's opinions were decidedly against legislation,— and that, if legislation were proposed, he would pro-

bably oppose it by a motion for delay. At all events, there was nothing in the questions, that at all implied, either to me or to the House generally, that the Right Honourable Baronet wished to urge legislation during the course of the present Session. But, whatever view I might have had with respect to the questions of the Right Honourable Baronet, certainly my view and that of the Government were considerably modified, when, after the decision on the Jamaica Bill, her Majesty's Government began to turn their attention to this subject; because it appears to me, at all times, the greatest misfortune, if, upon a matter of this kind, there should be any way by which a general agreement, or an agreement of a great majority, can be secured, and we should, by precipitately urging our own course, make the question a subject of party decision, — and, by making it a party question, preclude the hope of a settlement that would be satisfactory to Canada; because, although, in my opinion, we may dispute on questions of party politics affecting this country, and with a people around us who are not so well affected towards the general authority of the Executive as not to enable it to preserve things without imminent danger; yet, when this authority is so far removed, as this country is from the colonies, there is the utmost danger that the empire will be weakened and impaired, if not ultimately shaken, by making questions of colonial policy to depend on party decision in the two Houses of Parliament.

With this view, therefore, the Government has been anxious not to precipitate any decision on this subject; and they have endeavoured to carry with them the greatest weight possible in presenting a measure for the settlement of the affairs of the Canadas. We have seen what this weight or authority is, so far as regards Upper Canada; and as respects Lower Canada, the present state of Government, there, forbids any expression of opinion coming from that province which could carry any great weight, as the opinion of any great majority, to influence the decision of this House. Various Honourable Members of this House, and the Right Honourable Baronet himself, have spoken of the difficulties of this question; and the Right Honourable Baronet has admitted on this occasion, as on a former occasion, that there is not, perhaps, any question of legislation more difficult than that which presents itself on the subject of Canada. We have come to the opinion, that the principle of a union affords the best prospect of a settlement, — not because the principle of a union does not, in itself, contain very great difficulties, — but rather from a consideration of the great difficulties attending every other plan, and every other view of the subject. Therefore, at least, we have not come to this opinion from any blindness to the difficulties that attend this principle. It appears to me that we must proceed with respect to Canada upon one of two principles. We must either proceed upon the principle of the Bill of Mr. Pitt in 1791, — namely, that of separating the two races, — or we must go upon the principle of uniting them. If you proceed upon the principle of a separation of the two provinces, you will have to consider that you cannot so completely separate them as to make a French province and a British province; and the consequence will be, that the British portion of the population will be for ever in collision with the French population. But when you have thus separated the provinces, — looking at the peculiar French tenure — looking at the peculiar state of the Roman Catholic church, and at the state of the French authority in Lower Canada, — you will have then to consider in what manner you shall constitute the supreme authority. If it be arbitrary and despotic, you may depend upon it that our fellow subjects in that part of North America will not, long, quietly acquiesce in this species of arbitrary and despotic authority; they will not acquiesce in it as a permanent system of government, — seeing that it is neither in harmony with the authority established in this country, nor with that under which they have so long lived, nor with that in the neighbouring provinces, whether those of the United States, or those under the protection of the British Crown. They would naturally ask — and, perseveringly asking, they would, no doubt, obtain — the establishment of the House of Assembly, and of a representation founded on those principles of freedom to which the people of this country are naturally inclined. With a Government founded upon these principles of representation, immediately again would begin the difficulties between the French and British races. The French majority and the English minority sitting in the same House of Assembly, the English minority would be urging everything that could tend to improve the province, to promote emigration, and everything consonant with British commerce and enterprise; and the French majority, in order to preserve their power, would discountenance every innovation, every change in the law — would discountenance commerce and emigration — and would obstruct, as far as might be possible, the improvement of the province. In this view,

which, I take, it would be utterly impossible to establish, permanently, an arbitrary and despotic authority in such French province; and it would be equally impossible, with any hope of harmony and concord, to establish a representation which should make the French party predominant, and which should seek to exclude British interests, and views, and enterprise.

Upon a consideration of these different modes of government, I have come to the conclusion that the best chance of future good government consists in laying a foundation of government by which, naturally, and in the course of events, the representatives of the British population shall acquire a predominant influence in the representative Assembly, and shall thus gradually lay the foundation of a permanently flourishing province, attached — as that portion of the population is chiefly attached — to British institutions, as contradistinguished from arbitrary and despotic institutions on the one side, and from those of the United States on the other. I believe, myself, that this is the best principle to proceed upon. The difficulty of carrying it into effect is, no doubt, very great; the difficulties after carrying into effect the first proposition, and preparing the way, and meeting the Assembly, will still be very great; but yet I am convinced that this proposition affords the best chance of maintaining a permanent connection with the authority of the British crown, and of securing, likewise, the permanent welfare of the people of those provinces. I have stated this rather with a view to the general principle which we shall have hereafter to discuss; but, as regards the particular Bill before the House, the Right Honourable Baronet said, towards the close of his speech, that, supposing these powers, with regard to taxation and legislation, to be necessary, it forces the inference that we consider that a good form of government, which is founded in a Governor and Council, superseding the representative Assembly altogether. I say, that we are not acting in this way. These proceedings do not support any such inference. We do not suppose that any such consequences will follow from taking what I conceive to be the best means we could devise, to make a provisional and arbitrary authority effectual for the purpose of hereafter forming a union of the two provinces and of the two people. The Right Honourable Baronet spoke at first of the time of duration; but when a Bill is brought in next year, as it must be, the subject will be fully considered by Parliament; and it is unnecessary, therefore, to discuss it on the present occasion. The Right Honourable Baronet also called our attention to the very large powers that are given by this Bill to impose taxes, rates, and duties, for municipal purposes, for establishing and maintaining police, and for providing for other objects of municipal government. The Right Honourable Baronet said that these terms are very vague. I have received the able legal assistance of the Attorney General in selecting those terms which should be most definite for the purpose in view; but if the Right Honourable Baronet can suggest any words that would be more definite, I shall be quite ready to adopt them. These burdens are proposed to be raised solely for the benefit and improvement of the provinces; and neither the Government of this country, nor that of the province, can have any object in going beyond the purpose of the improvements that are required. Lord Durham said, in regard to the police of Canada, that it was in a disgraceful condition, but there were no means of providing an effectual remedy. If the Right Honourable Baronet mean to affirm, as I understood him, that if a despatch were to come from Lord Durham or Sir John Colborne, stating that some particular local defect required a remedy, — with regard to the police, for instance, — I should be willing only to remedy that; — I must observe, that that would not be acting in a large and liberal spirit of legislation; for there might be a great defect in July, 1839, in a particular place, — and, when this was provided for, in August or September we might receive other representations as to other local wants. It is just, as with regard to municipal corporations here, that Parliament has given a general power with respect to paving and lighting the streets, &c.

With regard to the second clause, the Right Honourable Baronet pointed out a discovery which is perfectly true, — that the original intention of the clause was different from the present. It was proposed originally to give powers with regard to tenures of land, with certain limitations. It was originally intended to meet an agreement that had been made with a seminary at Montreal; but if that was a good provision, — if a great public improvement might be accomplished by it, — I do not see why it might not be extended. This is the reason why the clause has been made more general than was originally intended. As, from the declaration of the Right Honourable Baronet, it seems we have one common object in view, I cer-

tainly shall not make any vexatious objection to any suggestion of the Right Honourable Baronet on this point; but, at the same time, as the Right Honourable Baronet has not pointed out any amendment, I am not prepared to say that the clause, as it at present stands, is couched in terms too large. The Right Honourable Baronet spoke of the fourth clause, as giving, as he conceived, a power greater than was intended, and as not applying to the case of the Habeas Corpus Act. I apprehend that it does apply, and that it is required, on account of the defect or ambiguity of the Bill of last year, by which great doubts have been suggested both in this country and in Canada. It is a most unfortunate thing that newspapers should have gone from this country to Canada, professing to convey the opinions of two Noble and Learned persons holding very high judicial situations, stating that the proviso in the Canada Bill, called Sir William Follett's proviso, was not merely passed with regard to Lord Durham's ordinances, but went much farther, and affected the power of suspending the Habeas Corpus Act, or of imprisoning persons who might be involved in the consequences of high treason, without immediately bringing them to trial. On this doubt, as so represented, two of the judges in Canada acted; and, — what I conceive to have been a very great misfortune to the province, — having to decide upon the construction of the Act of Parliament, these two judges, who, I believe, acted most conscientiously in the exercise of their judicial functions, gave an opinion which was fatal to the security of the province. I will reserve what further I have to say with respect to the particular clauses referred to until they shall be in committee, when I will be ready to consider any suggestions that may be proposed with respect to the amendment of the wording of any particular clause. I must repeat, as I have already said, that though I do not agree with some of the opinions expressed by the Right Honourable Gentleman, in the views he takes of the Bill, or in his general objections — yet there is nothing in what he has said, against which I have any ground of complaint; I recognise the necessity of granting to the Government certain powers, in order to effect the declared object which we have in view — namely, to secure the province of Lower Canada to the authority of the Crown, and at the same time to provide for the general welfare and happiness of the Canadian people.

SIR R. PEEL. — The Noble Lord supposes me to have inferred that I would only consent to legislate for special cases mentioned by Lord Durham or Sir J. Colborne; but that was not my meaning. I do not wish to limit the power to the police of Quebec, or of any other town; because it is for the benefit of every town to have a good police force, and to be lighted, and paved, and watched. I do not object to any provision for extending these benefits to all towns; but when a large power is to be given to tax for certain municipal purposes, it ought to be stated distinctly what those purposes are.

Mr. C. BULLER. — I do not know what object can be gained by discussing particular clauses before the Bill is in committee. I must say, however, that I am inclined, very much, to concur in the objections taken by the Right Honourable Baronet to the fourth clause. The subject of a change of tenure greatly affects the properties of the people of Lower Canada; there is also a national feeling on this subject; and, unfortunately, it has been one of the most recent subjects of dispute between the two races of that colony. If you give the Governor and Special Council the power of legislating on these tenures, it would excite a justifiable alarm that this Special Council, composed of their political opponents, would exercise their power to introduce a general change which has been so long resisted. The Noble Lord the Secretary for the Home Department says that the power is given in order to meet the exigency that occurred in the district of Montreal; but two or three such exigencies may arise in other parts of the province as that which has so long existed in Montreal, — namely, cases where the property is burdened with a disputed title, — and the Government would make the change of tenure contingent upon a recognition of the title. I cannot concur with the Right Honourable Baronet in his objections to the third clause, nor participate in his alarms as to the increase of taxation which he fears it will occasion. The Right Honourable Baronet's observations upon this subject appear to me exceedingly sound and appropriate as a general theory applied to colonial government, and they are applicable to any colony except Lower Canada; but, there, they would be inapplicable, on account of the enormous surplus of revenue which is raised; and therefore there is no probability of the power of taxation being abused. The amount of taxation at present is about 140,000*l.*, of which only 60,000*l.* is required for the general purposes of local government; all the re-

mainder being expended in those various public improvements, which form an extensive part of the expenditure of any new colony. When I admit that the present taxes of the colony are more than are required for the purposes of government, I am aware that I lay myself open to the inquiry, why increased powers of taxation should be required? The simple fact is, that, in a colony like Lower Canada, if you deny the power of raising taxes, you will, to a great extent, and in many of the most important cases, limit the practicability of general legislation. I will instance the various matters relating to police, to quarantine;—besides that, in my opinion, most desirable object of a registration office, which is very much wanted in Lower Canada. The Right Honourable Baronet seems to be exceedingly afraid lest the Government should be tempted, with an income already beyond their general wants, to abuse this power of taxation to their own purposes. This is the whole evil, on the present occasion, apprehended by a party who had no qualms or hesitation in empowering the same Government to suspend the Habeas Corpus Act, and the trial by jury, and all the other features of constitutional Government in that colony. I believe that the only ground of apprehension on this score entertained by the Canadians, is, lest the Council should raise taxes for general public improvements, which the merchants and landowners are of course naturally anxious for, but which the Canadians have always opposed. The Right Honourable Baronet (Sir R. Peel) evinces, undoubtedly, great eagerness to legislate upon this subject; and professes such good intentions, as would, according to the old proverb, at least, have paved a certain place; but he has no right to call upon my Honourable Friend the Member for Leeds to bring forward a specific scheme of his own colonial legislation, in opposition to that of her Majesty's Government. I believe that my Honourable Friend approves of the general principles upon which the Government measure was framed, and that, if the Government had gone on with it, my Honourable Friend's objections in matters of detail would have been entirely obviated. But however this may be, I really can conceive no mischief to arise from any man's and every man's coming forward to say what he thinks respecting the past and future treatment of the Canadas; and I apprehend danger from no other cause than from the absence of discussion, — from its not being known what we think and what we mean to do, and from the consequent prolongation of that system of mystery and vacillation which I look upon as the main source of the present ills of these colonies. I anticipate evil from the general indisposition of the House to look the present state of the colonies and the whole policy of the colonial Government fairly in the face, to determine on what principles that policy is henceforth to be conducted, and to make those extensive changes in our colonial system which must be suggested by calm deliberation on the working of the present order of things. I dread the continued ignorance of the real state of affairs which this aversion to discussion is calculated to produce among ourselves; and, from all I see and hear, I apprehend that, when all your shifts have been exhausted, and when you can no longer stave off the moment of decision, you will come to the decision with no more settled views, no more complete information, than you possess at the present moment. I dread, also, the effect of your inaction on these colonies. When their inhabitants, who for the last two years have never known security of person or property, — who have been looking to this House for the settlement of their affairs, and have expected by every packet intelligence of its determination respecting the institutions they are henceforth to live under, — when they find that the Session from which they expected the final settlement of their disorders has passed over without a single step being made towards it — that nothing has been done — that only vague indications have been given of what Ministers, none of what Parliament, intend to do, — what do you think will be the result on their feelings? Without speculating on the irritation, which I cannot but consider the natural fruit of this apparent indifference to their fate, — is it not obvious that these people must infer that we have really come to the conclusion, either that no remedy is required, or that it is hopeless for us to attempt to devise one — that we leave them to their fate to shift for themselves?

There is one advantage obtained by this debate, — in the Noble Lord having entirely thrown over, on this occasion, the specious pretexts for delay which he sometimes brings forward; — sometimes attaching great importance to the Report from Mr. Hagerman, that the people of Upper Canada are averse to the union; and sometimes to those mysterious despatches of Sir George Arthur, to which he has ever and anon referred as the hidden causes of his inaction: he has at length abandoned all ostensible grounds of de-

lay; and now, distinctly and frankly, avows what we all knew before, that the present state of parties in this country is the real cause of postponing the settlement of this question. I suppose that this is one of the apprehended dangers of discussion; that it is feared that the Canadians may discover that the real cause of an obstinate inattention to their unhappy condition is to be found in the weakness of the Government, and in the unscrupulous and factious opposition of their opponents? This is a fact little calculated to raise this House in the estimation of the public. For my own part, I wish to treat this subject apart from the petty objects and views of the parties of the day; but I must say that I think both are equally blameable for it, —or that, indeed, the Opposition are even more blameable than the Ministers. It is the common shame of both, that they make the interests of our countrymen in the colonies the sport of their party manœuvres. While Honourable Gentlemen opposite are acting on political principles which I must be excused for saying appear to me the most immoral ever avowed by an Opposition — pledging themselves to no system — suggesting no more advisable course, but content to discharge their functions by the exercise of a perverse ingenuity in discrediting and thwarting any and every plan proposed by the Government; —while the Government, instead of meeting this factious hostility with the vigour which would quell it in a moment, — instead of gravely maturing and boldly proposing large and sound measures, and trusting to the good sense and good feeling of the country to insure their success, and scatter to the winds any party that shall dare to thwart them in such a cause, — attempt to evade the criticism of their measures by offering no measures to be criticised: — while such is the petty and discreditable game of parties, the great colonial empire of Britain is crumbling to pieces on every side of us, and you are involving in certain ruin the dearest interests of thousands and millions of your countrymen. You have fought your party fights on Canada and Jamaica, — you have mutilated one Bill, and thrown out another, — forced Lord Durham to return, and crippled Sir Lionel Smith; — and what is the result? You have, probably, barbarised one valuable colony, and revolutionised another. And do you flatter yourselves that these are evil deeds for which you will not some day be made answerable? Do you flatter yourselves that you have taken a course which, whatever temporary party purpose it may serve, will give you a claim to any lasting feelings of regard and gratitude from your countrymen? I well know the difficulty which must be experienced in securing the assent of a Government to so entire a change of its whole policy as that which Lord Durham proposed in the system of colonial government; but I cannot understand how any one can cast his mind over the recent history of our colonies, or advert to their present deplorable state in everything that respects their government, without coming to the conclusion that, in our whole colonial system, there is some radical vice requiring vigorous and searching correction. The system of governing the colonies from home has had a long trial in the North American provinces; and going on this principle of combining an irresponsible Executive with a representative Legislative, how has it practically worked in all of them? I say, in all; for, in truth, the evils to which we have now to apply a remedy are not to be found in the Canadas alone. In every colony of British North America there is the same constant collision between the Assembly and the executive Government; and, in all, the catastrophe of an absolute stoppage of the machine of government, either has arrived, or is fast approaching. In the case of Lower Canada, the blame is laid on the perverseness of the French; —in Upper Canada, on Mackenzie; —in Newfoundland, on the Catholic religion; — and I dare say that, in the other provinces, there are some persons, whom the officials represent as few in numbers, and singularly perverse in purpose, to whose causeless malignity they attribute the constant collision between the different powers of Government. But when we take all these phenomena together, — when we see exhibited in every one of these colonies the same practical difficulties in the working of the present system, — are we not forced to the conclusion that there must be some common cause for these common ills? and that this cause must exist in the very frame of government, which is everywhere out of order? Compare the British provinces in North America with the contiguous states of the Union. In almost every natural resource the former have the advantage. Compare the present condition of the two. In every respect of tranquillity and content, of civilisation, of material prosperity and industrial activity, of legislation, and of general education, our provinces are so lamentably behind the neighbouring settlements, which are

all of a much more recent origin than themselves, as to make every Englishman, who values the honour of his native land, blush, when he witnesses the palpable inferiority that almost everywhere on the North American continent is the distinctive mark of the possessions of the British Crown. I certainly do not attribute this difference to any superiority of republican over monarchical institutions. I believe the advantage to be on the side of the latter. But I can only refer to one more essential difference between the two Governments, — and I think I can find it in the influence which the one people has over its own Government; while, by the narrow policy of our colonial system, the other is deprived of the control of its own internal affairs. This was the fundamental error which Lord Durham pointed out in the government of these colonies. This was the error which he wished to rectify, by establishing an entirely different practice in our colonial government; by proposing it as a rule of government that the Executive of the colony should be kept in entire harmony with the Legislature; that the system of constant interference with the details of colonial affairs should be abandoned; and that the colonial government should, in fact, be carried on in the colony, and not in Downing Street. The change proposed is a great one; but it is surely a simple one: it will, at any rate, render colonial government much more simple and easier than it has yet been. I should like to have it explained to me how, under any other system, it is supposed possible to have any harmony between the different branches of the Legislature, or any efficiency in the Government?

I will not, now, enter into the discussion of the details of the working of the present system, because the consequences of the original vice have been amply detailed in Lord Durham's Report, and traced by him through every institution of the colonies. I merely refer to it, in order to remind the House that the contest of races in Lower Canada is but one of the many causes operating to produce the present calamitous state of our provinces; and that the union proposed by Lord Durham was calculated, in my opinion, not merely to settle that question in the only manner in which any rational friend of humanity would desire to see it settled, but that it aimed at the still higher object of forming these colonies into one large and important community, fit to manage its own internal affairs while the colonial connection subsists, — not unfit to stand by itself, — with sufficient power to introduce into it the liberal feelings and free institutions of Great Britain, — and fit to be intrusted with the management of its own affairs, so long as its connection with this empire subsists, and to take care of and maintain its own existence when that connection shall unfortunately be dissolved. I am not one of those who think that this connection need necessarily be of brief duration or of mischievous influence. I am not one of those who think that colonies are useless to a state. To plant colonies in the wilderness, — to turn the unemployed resources of nature to account, and to provide a competence for our own population, — to raise up new branches of trade, and new nations of customers, — appears to me a wise and noble policy in a great nation. If we maintain colonies for these purposes, — if we give up the old policy of dividing in order to govern, but seek only to maintain an empire by making it a source of benefit to the dependent province, — I do not see why these colonies may not long remain under the protection of Great Britain, and be a source of unmingled profit. It will be necessary, for this purpose, to abandon every notion of making them the nests of aristocratic patronage, and of every antiquated scheme for regulating trade. If such ideas were abandoned, — and I believe that no gentleman in the present day will avow them, — I do not see what cause of collision can ever arise between the colonies and the mother country. Our object, at any rate, ought to be conciliation; and I conceive that the only two points on which we ought to interfere in their legislation are, — first, the regulation of their connection with foreign states; and, secondly, the keeping open of waste lands for the introduction of British emigrants. And though the Noble Lord (Lord J. Russell), arguing in a manner in which it would be easy to demonstrate the impracticability of any form of self-government in any colony whatever, persists in the notion that the colonial Assemblies will always insist on interfering precisely in those one or two matters which are excepted from their powers, — yet I cannot anticipate that the representatives of a colony would have so little sense as to tear asunder their connection with the country of their fathers, to forfeit the protection of our armies and navies, and to stop the supply of that labour which is the only source of prosperity to a new colony, in order to gratify some whim of meddling in matters with which they have no business. With these two exceptions, I see no reason for our ever interfering with the internal affairs of a colony. I think that the principle of

colonial government ought to be, that the people of the colony are more competent to manage their own internal affairs than the constantly changing officers of a department in the mother country; that they will probably act with as much justice and as much good sense as other people; and that, if they act unjustly or unwisely, they must be the chief, and, probably, the only sufferers, — and must, like other communities, purchase wisdom by experience. For my part, I cannot believe in the necessity of this constant superintendence on our part, when I recollect that almost every prominent cause of dissension in these colonies has been supplied to it by some blunder of the Imperial Parliament or of the Colonial Office.

I thank the House for the attention with which Honourable Members have listened to me; and I shall not trouble it with any further observations, save one, which I deem necessary in consequence of a phrase which has fallen from the Right Honourable Baronet the Member for Tamworth, and in which, by the bye, I fully concur. I am alluding to what the Right Honourable Baronet stated with respect to the probability of fresh movements on the frontiers of Canada. I do not believe that any invasion will originate from the American frontier. But I received information, about this time last year, which, though I was laughed at when I first mentioned it in this House, subsequent events proved to be perfectly correct, — that there was a chance of another insurrectionary movement in Lower Canada; and I have received similar information, now. When I consider the hopelessness of the rising last year, and the utter want of concert which prevailed among the parties engaged in it, I cannot help fearing that they may be mad enough to repeat the attempt with greater concert and under a more regular organisation. Now, as certainly as you have insurrections in Lower Canada, so certainly will those insurrections meet sympathy on the American frontier, and be attended by attempts at invasion. I know that I have been much censured for making the observation — but I will not, on that account, shrink from repeating my conviction — that, hitherto, the Government of the United States have acted with perfect good faith towards us. Considering, however, the constitution of the frontier states, and the influence which the population have over their executive Government, I am afraid that it would be impossible for any Government in America to prevent its citizens from invading the Canadas, so long as the Canadas continue in a troubled and disturbed condition. The knowledge of this circumstance ought to lead us not to encourage angry passions against the American Government, but to impress upon our own Government the necessity of taking those measures which are calculated to produce political tranquillity in the Canadas, and which will be the best, and, indeed, the only, mode of discouraging invasion. The American Government would be entitled to complain of us, if, instead of performing our own duty, we simply confined ourselves to calling upon other Governments to do theirs. I have no wish to make any complaint against her Majesty's Ministers; but I cannot refrain from lamenting that they have not taken up the plan of conciliation with all the decision and vigour that they ought to have done.

My Honourable Friend the Member for Leeds asked me whether I was content to stand by and see Lord Durham's Report completely thrown aside and disregarded? Quite the reverse: I fully concur in every word of that Report. Had I dissented from any one of its main doctrines, I should have, long since, felt it due to myself to make public that difference of opinion. I have not done so, because there is no part of that Report from which I either dissented at the time of its publication, or of the soundness of which subsequent reflection has induced me to doubt. I am not anxious for the adoption of his measure, because I think that Lord Durham's reputation requires not the approbation of any person in this House or in the Government. He has had good occasion to appeal from you, to the judgment which has been passed on his Report by all impartial thinking men in this country; and when he looks to the reception which it has experienced in these colonies, to which it more immediately relates, and to the echo of that opinion from other colonies which have found in his views a great applicability to their own present or future condition, — I think he might feel pretty confident that, whatever may be the period at which the Government, here, may determine to act upon it, it has had an effect in the colonies which nothing can prevent from terminating in their coming to a speedy and triumphant concurrence in his views. I think he may feel very sure that his Report will be the text-book of the colonial reformer, until it becomes the manual of every colonial Government under the dominion of Great Britain.

Mr. LABOUCHERE.—I do not rise for the purpose of entering on the very wide

and general discussion, into which the House has this evening diverged; but, rather, for the purpose of expressing a hope that the House will not longer delay the business of the evening, but will proceed at once to the consideration of the details of this Bill in committee. I shall confine the very few words I have to say to observations of a general nature, on the Bill itself, and on the objects which it is intended to accomplish. I have heard, with pleasure, from what has fallen from speakers on both sides of the House, that no essential difference exists as to the principles which should be applied, in the settlement of this great question. I am glad to see that there seems to be a general impression, that it is our duty to provide, without delay, for an object, which, in Lower Canada, is of urgent necessity; namely, for the object of mitigating, as far as possible, the most irksome features of that arbitrary system of government, which Parliament has found it its duty to impose upon this colony; and that, at the same, by taking every precaution against the abuse of it, we shall still not impose a practical grievance upon that colony, by disabling it from legislating on pacificatory principles, and from introducing any ameliorations into its internal condition. For my own part, I am of opinion that there are no pacificators like employment and industry. And I am sure that nothing would produce a political calm, sooner than turning the minds of the population to schemes of industry and improvement. I beg the House to consider the strange and anomalous condition of Lower Canada, alone, of all the British colonies. In that colony, hardly any transaction like that which is called a Private Bill in this House, can now pass; and therefore no scheme of local improvement can at present be carried into effect there. It is also found impossible to keep up the usual establishments for the preservation of good order, in the colony, — such as schools, police, &c. These establishments, at present, are either wholly inoperative, or will speedily become so, if the House do not interfere. Believing, therefore, that Honourable Members on both sides of the House are desirous to put an end to this state of things, I entreat them not to fall into the error of introducing provisions into this Bill, which will have an effect directly opposite to that very object that the Legislature wish to produce. There is one subject of great importance, on which the statement of my Honourable Friend the Member for Liskeard is calculated to cause considerable misapprehension, — I allude to the account which my Honourable Friend has given of the actual state of the revenues of Lower Canada, and of that portion of them which is applicable to local improvements. It is clear, that if there were any revenues which could be so dealt out by the local Government, the necessity of imposing any local rates for such purposes would be materially diminished. The local revenues of Lower Canada have diminished from 153,000*l.*, which was their annual amount in 1832, to 60,000*l.* in the last year. Now, out of these local revenues, all the grants for the police, and the education of the entire province, are provided: and in one of his last despatches, Sir John Colborne declared, that unless some means were devised for increasing the amount of these revenues, he should not be able to keep up these establishments another year. Now, by enabling the local Government to make rates for this purpose, the House will enable the Governor to provide for the maintenance of establishments which, though absolutely necessary, must be abandoned, unless such power be granted. I entreat the House not to be induced by any idle jealousy of the powers to be intrusted to the local Government, to abstain from giving to it the means which are necessary to carry into full execution that arduous task which has latterly been thrown upon it, and which it has hitherto discharged in such a manner as to entitle it to the entire approbation of the House, the cordial support of Government, and the warmest gratitude of the whole country. I also implore you not to withhold from the local Government the power of making any laws of a permanent character. Already there is a great demand, on the part of the colonists, for a law to provide for a better tenure of lands. Already are the factious part of the population accusing the British Government of intentionally postponing the introduction of such a law. What is the consequence? All the accounts I have received from the colonies concur in declaring that public confidence has been completely overthrown by the existence of the present unhappy state of things, — that transactions relating to property are, to a great extent, suspended, and carried on under extreme disadvantages. From the information that has reached me, I am justified in saying that it would be unsafe to continue the system of inaction for another year.

[Cries of "Hear, hear!" from the Opposition benches.]

I know the meaning of that cheer; I suppose Honourable Gentlemen intend to express an opinion, that, if this be the case, Government ought, during the present Session, to have dealt with the wider questions that are still open, and to have effected a permanent settlement of the affairs of Canada. I do not stand here to deny that, if they had done this, an immense good would have been obtained; and I will say, that, during the earlier part of the Session, it was the most anxious hope and desire of Government to effect this settlement; but, in the course of this very night's debate, I have heard much from Honourable Gentlemen on both sides of the House, which should induce you to pause before imputing blame to her Majesty's Government,—namely, that at the end of the Session you have come to the conclusion, that the balance of advantage is against legislating, precipitately, on a subject of so great importance, and in favour of stating to the House and to the colony, in the form of a Bill, not only the principles on which we propose to proceed, but the manner in which we think that these principles should be carried into effect. A great point would, in my opinion, have been gained, if the House had agreed to the second reading of the other Bill relating to Canada, which was brought forward by the Government, and had thereby affirmed the principles of the union of the two provinces, and the establishment of municipal institutions. I very much regret that that measure did not advance so far; and I hope that the House will not refuse to go into committee on the present Bill, for the purpose of considering its provisions.

SIR E. SUGDEN.—I have given my best assistance to Government on the questions which have arisen out of the state of Canada, and am most ready to go all justifiable lengths in supporting the measures they may bring forward for the adjustment of the differences unfortunately prevailing in that colony. I stand, now, on the ground I originally took, and from that I will not depart. The Noble Lord opposite, at the beginning of the last Session, told the House that he was not prepared to sacrifice the French Canadians to British interests; and the Right Honourable Baronet the Under Secretary for the Colonies deprecated the passing of any laws intended to be permanent, which could be regarded by them as oppressive or vexatious. I entirely agree with these sentiments; and though I am perfectly prepared to join in giving every assistance to Government, in introducing improvements in the internal regulations of the colony, yet I will not consent to grant any powers to the Governor and Council which shall be directed against the interests of the French Canadians. I have considered, with this view, the provisions of the present Bill; and I must say that they appear to me calculated to rouse the worst feelings of the French Canadians, and to excite those very disputes between the two races of inhabitants, which it has been hitherto thought desirable to repress. Lord Durham, in the Report which he has made, expresses an opinion,—whether wisely or not, I will not say,—that it is impossible to prevent a contest between the two races. I agree with that Noble Lord, that, if authority were reposed in the French Canadians, they would abuse it; all their proceedings satisfy me, that that is to be expected; and it is quite clear, that the British Canadians would never permit power to be so lodged in such hands. I am willing that the French Canadians should be deprived of that power which they formerly abused, and that they should be coerced, as far as may be necessary for the general welfare; but, on the other hand, I will not go a single step beyond what the necessity of the case requires. Take, for instance, the case of tenures. It is now proposed to confer on the Governor and Council power to alter the land tenures of the French Canadians; in other words, all the laws which regulate their landed property. The Bill will enact, that the ordinances of the Governor and Council shall not be valid till her Majesty's assent shall be signified; and that, before that assent is granted, they shall lie thirty days on the table of the House. This, I think, is a very bungling mode of legislation. If these ordinances are to come to this country for the approval of the home authorities, there is no reason why Parliament should abandon its legislative functions, and confide them to the colonial Governor and Council and the Crown. I do not think it at all likely, judging from the manner in which parliamentary papers are usually treated, that the papers would attract much attention during that space of time in which they are to be submitted to the consideration of the House. Be that, however, as it may, I cannot consent to interfere with that law of property, the maintenance of which has been guaranteed to the French Canadians, by the Imperial Legislature. The English law of property was, in the first instance, introduced into the colony after the conquest; but the French law was restored by the 14th of George III., and was not

disturbed by the statute of 1791. We are now asked to invest a despotic authority with power to alter the tenures of the French Canadians. A more unjust or impolitic provision I cannot conceive. I will at once admit, that there cannot be a greater absurdity than to ingraft feudal institutions on a province to which we have granted a representative form of government. But that absurdity you have yourselves committed; and I, for one, will not be a party to the violation of the compact into which we have entered, to preserve the institutions of the French Canadians. I cannot consent to grant a perpetual power to pass laws to the Governor and Council. I will not consent to grant powers which must be regarded as preparatory to the union of the provinces, and by conferring which, the House will give the Noble Lord some reason hereafter to say that we have pledged ourselves to the principle of union. At the beginning of last Session, when the Act for the Government of Canada was before the House, several Honourable Members urged the necessity of granting those powers which the present Bill will confer; and the Noble Lord and Right Honourable Gentleman strongly objected to the proposal. What is it that now renders those powers necessary? The failure of her Majesty's Ministers to mature a plan for the permanent government of Canada. I have no means of knowing whether or not blame is justly attributable to them for not having done this, and therefore I will take it for granted that the difficulties in the way of bringing forward a plan at present are insurmountable. I think that her Majesty's Ministers have not acted fairly by the House, in neglecting to lay on the table, before this day, the communications they have received from the authorities in Canada. If they designed to take the House by surprise,—of which intention, however, I entirely acquit them,—they could not have followed a more convenient course. Are we, I ask, to leave the Governor and Council to decide all these grave and important questions now pending,—than which none could be imagined more closely affecting the welfare of the inhabitants of a colony? Are the Governor and Council, for instance, to establish an appeal court — an institution which does not exist in a perfect form even in this country, and which, if good for the Canadians, must be, at least, equally good for the inhabitants of England? Then, there are the rights of the seigneurs, in which the interests of at least 50,000 proprietors of the soil, holding their land under tenures, the maintenance of which has been guaranteed by Parliament, are involved. The abolition of these tenures would be as flagrant an act of injustice as has ever been inflicted on colonists by a superior power. I believe that these tenures are injurious to the interests of the Canadians themselves; but the Canadians think otherwise, — and with them the sole right of deciding on the point rests. I cannot, therefore, consent, by agreeing to the present Bill, to disturb a compact which former Parliaments have made with the Canadians. I object, also, to the mode of taxation. If ever there was a question which demanded the sympathy of this House — the representatives of the people of England, — it is this question of taxation. The Governor and Council are to have the power of taxation against the will of the people, and while the constitution of the colony is suspended. Now, I object to such a power, — first, on the general ground that the people of the colony ought not to be taxed against their will, and without their consent, by their representatives; and when such despotic powers are assumed by a Government, I hope that difficulties ever will arise and compel that Government to resort to constitutional means for the attainment of its objects. But, in the next place, I object to the scheme of taxation, because the taxes to be imposed are to be applied to purposes which, however good in themselves, the Canadian people are decidedly opposed to. Is this a proper principle for the Imperial Parliament to act upon? No; it is a principle repugnant to the constitution; and I shall, therefore, oppose this part of the proposition of the Government. I shall not trouble the House further at this time; but, when we go into committee, I shall oppose all those parts of the measure to which I have now directed the attention of the House.

Mr. HUME. — I really think that the speech of the Right Honourable Gentleman who has just sat down was the best Radical speech I have ever heard. The Right Honourable Gentleman says that nothing can be more monstrous than to impose taxes upon a people against their will, and without their consent, by their representatives; and I perfectly agree in that opinion. He said that, when a Government assumed despotic powers, he hoped that difficulties would arise which would compel that Government to resort to constitutional means; and in that sentiment of the Right Honourable and Learned Gentleman I also agree; and I trust that

this Bill, which gives such powers to the Governor and Council, will not pass, if it be intended to bring forward a measure for effecting a final settlement in the next Session of Parliament. My object in rising, however, was, to direct attention to the motion of the Honourable Baronet who commenced the debate. That motion is, that "every consideration of humanity, justice, and policy demands that Parliament should seriously apply itself, without delay, to legislating for the permanent government of her Majesty's provinces of Upper and Lower Canada." Such is the motion which the House has to decide upon; and I must say that, during the last two Sessions and the present, this is the only question which has come before the House, in regard to which no difference of opinion has been expressed. All sides have concurred in the motion of the Honourable Baronet; and surely, then, it would have been wise to have brought forward some measure for the permanent settlement of the Government of Canada. The speech of the Right Honourable Baronet the Member for Tamworth was, in my opinion, the most severe reproach upon the Government which could have been inflicted upon it; and, for my own part, I can see no reason why we should not legislate in the present year as well as in the next. I cannot see how the extraordinary powers to be conferred by this Bill will pave the way to a final settlein the next Session; and I fear they may have a contrary effect. You have already interfered too much in the affairs of the colony; and I hold that you are ruining yourselves, and ruining the colony, by your thus continued interference in the internal affairs of the people of Canada. It is only by consulting the interests of both, that the connection of the colony with the mother country can be rendered mutually beneficial; and such a course, I am sorry to say, has not been pursued by the Government. I am fully persuaded that the difficulties which the Parliament has now to encounter, have been created by themselves. If they had, at first, done that which was essential, — if they had made the Executive Council accord with the representative body, — the difficulties which they have now to contend against would never have been felt. This was the only ground of complaint, on the part of the Canadian people, when Parliament first interfered; this was the only difficulty which, at first, was to be surmounted; and the continued interference of Parliament has created the rest. Parliament, urged on by the Government, has inflicted evils on the colony, of which the longest life will not see the end. I will not trespass longer upon the time of the House, than to express a hope that the despotic Government which has been established in Canada will soon be terminated. After the unequivocal expression of opinion on the motion of the Honourable Baronet the Member for Leeds, I will put it to my Honourable Friend whether it would be expedient to press his motion to a division?

[Cries of "Divide!"]

Mr. W. S. O'BRIEN. — I wish, Sir, to express my opinion ——

[Cries of "Oh, oh!" and, "Divide!"]

— I appeal to the House on the importance of this question; and if they wish me to sit down after such an appeal, I will do so. I wish to submit to the House some observations with respect to the general policy of the Government; — with respect ——

[Cries of "Oh, oh!" "Divide!"]

I confess I am not able to participate in keeping up the reproaches which have been cast upon her Majesty's Ministers, upon this occasion, for not proceeding, in the present Session, with any Bill for the Government of Canada. It appears to me that, surrounded as they are with difficulties on every side, they have chosen that course which was the safest, and that no evils can arise from delay, compared with those which would necessarily be the result of hasty and precipitate legislation. Sir, her Majesty's Ministers having made up their minds ——

[Laughter, and cries of "Oh, oh!" "Divide, divide!"]

If the House will not grant me their indulgence, I have, of course, no alternative but to sit down.

The House then divided: — Ayes 223; Noes 28; — Majority 195.

AYES.

Acland, Sir T. D.	Bannerman, A.
Acland, T. D.	Baring, F. T.
A'Court, Captain	Barnard, E. G.
Aglionby, H. A.	Barry, G. S.
Ainsworth, P.	Beamish, F. B.
Ashley, Lord	Berkeley, Hon. G.
Attwood, W.	Berkeley, Hon. C.
Baillie, Colonel	Bernal, R.
Baines, E.	Blair, J.
Baker, E.	Blake, W. J.

Blennerhassett, A.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bryan, G.
Buck, L. W.
Bulwer, Sir L.
Burr, H.
Burroughes, H. N.
Campbell, Sir J.
Cavendish, Hon. G. H.
Chapman, A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Cole, Lord Viscount
Collins, W.
Cowper, Hon. W. F.
Dalmeny, Lord
Darby, G.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duffield, T.
Dunbar, G.
Duncombe, T.
Dundas, Sir R.
Du Pre, G.
East, J. B.
Eastnor, Lord Viscount
Egerton, W. T.
Egerton, Sir P.
Ellis, W.
Estcourt, T. (Oxf. U.)
Evans, Sir De Lacy
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Finch, F.
Fitzroy, Lord C.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grant, F. W.
Grattan, J.
Greenaway, C.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Handley, H.
Harcourt, G. S.
Hardinge, Rt. Hn. Sir H.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Hector, C. J.
Henniker, Lord
Hinde, J. H.
Hobhouse, T. B.
Hobhouse, Rt. Hon. Sir J.
Hodgson, R.
Hope, Hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hotham, Lord
Howard, F. J.
Howick, Lord Visct.
Hurst, R. H.
Hurt, F.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
James, W.
James, Sir W. C.
Jervis, J.
Jervis, S.
Kinnaird, Hon. A. F.
Knatchbull, Rt. Hon. Sir E.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Law, Hon. C. E.
Lemon, Sir C.
Lockhart, A. M.
Lowther, Hon. Colonel
Lowther, Lord Visct.
Lushington, Rt. Hon. S.
Macaulay, T. B.
Mackinnon, W. A.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Maule, Hon. F.
Melgund, Lord Visct.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Ferrall, R. M.
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Lord Vt.
Parker, J.
Parker, M.
Parnell, Rt. Hn. Sir H.
Patten, J. W.
Pechell, Captain
Peel, Rt. Hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Hon. G. J.
Philips, M.
Phillpotts, J.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Praed, W. T.
Price, R.
Protheroe, E.
Pryme, G.
Rice, E. R.
Rich, H.
Richards, R.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Rt. Hon. Sir G.
Round, J.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, Rt. Hon. A.
Seymour, Lord
Shaw, Rt. Hon. F.
Sheil, R. L.
Shelborne, Earl of
Sheppard, T.
Sinclair, Sir G.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Spencer, Hon. F.
Stanley, Lord
Stanley, M.
Stanley, Hon. W. O.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, Rt. Hn. Sir E.
Surrey, Earl of
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Lord Visct.
Wallace, R.
White, A.
White, H.
Wilbraham, G.
Williams, R.
Williams, T. P.
Williams, W. A.
Wood, C.
Wood, Sir M.
Wood, Colonel
Wood, G. W.
Wrightson, W. B.
Wynn, Rt. Hn. C. W.
Yates, J. A.
Young, J.

Tellers.
Stanley, E. J.
Steuart, R.

NOES.

Bagge, W.
Baring, H. B.
Broadley, H.
Bruges, W. H. L.
Buller, C.
Burdett, Sir F.
D'Israeli, B.
Douglas, Sir C. E.
Dugdale, W. S.
Estcourt, T. (Dev.)
Fielden, J.
Forester, Hon. G.
Hall, Sir B.
Hindley, C.
Hughes, W. B.
Hume, J.
Johnson, General
Lushington, C.
Mackenzie, T.
Norreys, Lord
Parker, R. T.
Perceval, Colonel
Polhill, F.
Round, C. G.
Smith, A.
Wakley, T.
Wilbraham, Hon. B.
Williams, W.

Tellers.
Leader, J. T.
Molesworth, Sir W.

The original question was then again put, and agreed to; House resolved itself into committee.

Clause 1.

Mr. LABOUCHERE.—I have to move that the blank left for the number of councillors be filled up with the word "twenty."

Question put, "That the blank be filled up with the word 'twenty.'"

Mr. HUME.—I think this addition to the number of councillors will only render the despotism more hurtful and more injurious. It is better to have one despot than many. I shall therefore move that the whole of the words which relate to

the appointment of the councillors be struck out of the clause.

Mr. LEADER. — The object of this alteration in the number of councillors is merely intended to enable the Government there to establish a despotism without the smallest responsibility. For one, I would rather see Sir John Colborne the sole Governor of Canada, than that the country should be placed under the domination of twenty councillors.

Mr. T. DUNCOMBE.—I wish to know in what manner these special councillors are to be elected? — whether they are to be elected under the old plan, or not? By increasing the number of the Council, you diminish the responsibility of the Governor; and unless some more substantial reason be given in its favour than any I have yet heard, I shall certainly oppose the whole clause, and take the sense of the committee against it.

Mr. LABOUCHERE. — As we are devolving on the Governor and Council the power of legislating for the colony, and of raising money by taxation, we ought to take care that a sufficient number of persons acquainted with the circumstances of the colony should be appointed, to advise with the Governor as to the measures which it may be necessary to pass. I think that proposition is no more than reasonable; but I believe, in point of fact, that there may be more than twenty persons in the Council of Sir John Colborne at present. Still, I think that, in passing an Act of Parliament, it is desirable that the number should be specified. I wish to make no reflections on former Special Councils; but I think, by increasing their number, we shall be able to have a body more connected with the interests of the colony, and who will be responsible to the Canadian people.

Mr. HUME. — My objection is to any body of men, so constituted, being vested with power to pass permanent laws; and when the Honourable Member the Under Secretary for the Colonies talks of responsibility, I would ask if he does not know that, for many years, the Special Council of Lower Canada has laughed to scorn the whole Canadian people? If we are to have a despotism in Canada, I say, again, let us have a pure and single despotism, with sole and undivided responsibility.

Motion agreed to; and word "twenty" inserted.

Mr. C. BULLER. — I submit that it is not advisable to impose on Sir John Colborne the necessity of adopting any particular regulation as to the number of councillors which should form a quorum.

On the question, "That the clause, as amended, stand part of the Bill," the committee divided: — Ayes 272; Noes 15; — Majority 257.

AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Aglionby, H. A.
Ainsworth, P.
Anson, Hon. Colonel
Ashley, Lord
Ashley, Hon. H.
Attwood, W.
Bagge, W.
Baillie, Colonel
Bainbridge, E. T.
Baines, E.
Baker, E.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Barry, G. S.
Beamish, F. B.
Berkeley, Hon. G.
Berkeley, Hon. C.
Blair, J.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Bryan, G.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Campbell, Sir J.
Cavendish, Hon. G. H.
Chapman, A.
Chute, W. L. W.
Clay, W.
Clerk, Sir G.
Collins, W.
Colquhoun, J. C.
Courtenay, P.
Cowper, Hon. W. F.
Craig, W. G.
Dalmeny, Lord
Darby, G.
D'Eyncourt, Rt. Hon. C. T.
De Horsey, S. H.
Divett, E.
Donkin, Sir R. S.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Dundas, Sir R.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Egerton, W. T.
Egerton, Sir P.
Elliot, Hon. J. E.
Ellice, E.
Ellis, W.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Dev.)
Evans, Sir De Lacy
Evans, G.
Evans, W.
Farnham, E. B.
Fenton, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Finch, F.
Fitzroy, Lord C.
Fremantle, Sir T.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Gordon, Hon. Captain
Gore, O. J. R.
Graham, Rt. Hon. Sir J.
Grant, F. W.
Grattan, J.
Greenaway, C.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Guest, Sir J.
Hale, R. B.
Halford, H.
Hall, Sir B.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Rt. Hn. Sir H.
Hastie, A.
Hawkes, T.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Henniker, Lord
Herbert, Hon. S.
Hill, Lord A. M. C.
Hinde, J. H.
Hindley, C.
Hobhouse, Rt. Hon. Sir J.

Hebhouse, T. B.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, Hon. T.
Hope, G. W.
Horsman, E.
Hoskins, K.
Hotham, Lord
Houldsworth, T.
Howard, F. J.
Howick, Lord Visct.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, W.
James, Sir W. C.
Jermyn, Earl
Jervis, J.
Kinnaird, Hon. A. F.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Knox, Hon. T.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lemon, Sir C.
Leveson, Lord
Lincoln, Earl of
Lockhart, A. M.
Lushington, C.
Lushington, Rt. Hn. S.
Macaulay, T. B.
Mackenzie, T.
Mackinnon, W. A.
Macleod, R.
M'Taggart, J.
Mahon, Lord Viscount
Marshall, W.
Marsland, H.
Maule, Hon. Fox
Meigund, Lord Visct.
Meynell, Captain
Milton, Lord Visct.
Moreton, Hon. A. H.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Lord
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Ferrall, R. M.
Ossulston, Lord
Oswald, J.
Owen, Sir J.
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Lord Vt.
Parker, J.
Parker, M.
Parker, R. T.
Parnell, Rt. Hon. Sir H.
Patten, J. W.
Pechell, Captain
Peel, Rt Hon. Sir R.
Pemberton, T.
Perceval, Hon. G. J.
Phillips, M.
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Ponsonby, C. F. A. C.
Praed, W. T.
Price, R.
Pryse, P.
Pusey, P.
Rice, E. R.
Rich, H.
Richards, R.
Roche, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, Rt. Hon. Sir G.
Round, C. G.
Round, J.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, Rt. Hon. A.
Salwey, Colonel
Scarlett, Hon. J. Y.
Scholefield, J.
Seymour, Lord
Shaw, Rt. Hon. F.
Sheil, R. L.
Sheppard, T.
Sinclair, Sir G.
Smith, B.
Smith, R. V.
Somerset, Lord G.
Spencer, Hon. F.
Stanley, Lord
Stanley, M.
Stanley, Hon. W. O.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Sugden, Rt. Hon Sir E.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, Rt. Hon. C. P.
Thompson, Alderman
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vernon, G. H.
Waddington, H. S.
Walsh, Sir J.
Ward, H. G.
Welby, G. E.
White, H.
Wilbraham, G.
Wilbraham, Hon. B.
Wilde, Mr. Serjeant
Williams, W. A.
Wood, C.
Wood, Sir M.
Wood, Colonel
Wood, G. W.
Wood, Colonel T.
Worsley, Lord
Wrightson, W. B.
Wynn, Rt. Hn. C. W.
Yates, J. A.
Young, J.

Tellers.
Stanley, E. J.
Steuart, R.

NOES.

Archdall, M.
D'Israeli, B.
Duncombe, T.
Dungannon, Lord Vt.
Fielden, J.
Hutt, W.
Jervis, S.

Tellers.
Johnson, General
Molesworth, Sir W.
Roche, E. B.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

Tellers.
Hume, J.
Leader, J. T.

The clause was then agreed to.

Upon Clause 2. ("That so much of two recited Acts, 1 and 2 Vic. c. 9., as provides, that no law or ordinance made by the Governor of Lower Canada shall continue in force beyond the first day of November, 1842, shall be repealed; provided always, that every law or ordinance which shall be made to continue in force after the first day of November, 1842, shall be laid before Parliament, and no such law or ordinance shall be confirmed or declared to be left to its operation by her Majesty, until such law or ordinance shall have been laid for thirty days before both Houses of Parliament") being put from the chair,—

Mr. LABOUCHERE said:—The object of this clause is to take care, in case power be given to the Governor and Council to pass permanent laws, that these laws shall be laid on the table of the House, so as to enable the House to pronounce an opinion upon them, as early as possible. I will therefore move a proviso to be added to the clause, to the effect, that every law or ordinance which shall be made and continued up to the 1st day of November, 1842, shall be laid before Parliament within thirty days after it shall have been received by her Majesty's Secretary of State, if Parliament shall then be sitting, or otherwise within thirty days after the commencement of the next Session of Parliament.

Upon the question being put, "That this proviso be here inserted,"—

LORD STANLEY said:—The effect of this proviso would be, to render it imperative upon the Government to do that which, as a matter of course, it would do,—namely, lay the Acts of the local Legislature on the table of the House within thirty days after they had been received by

the Government. I confess, however, that the insertion of this, or of any other proviso, does not alter or remove the objections which I entertain, on principle, to this clause; and, as I have not addressed the House before upon this occasion, and it is my intention to confine myself to the object of the clause, and not to diverge into the general subject of Canada, I hope I may be indulged with the permission to say a very few words. The House must recollect that, when an Act was passed, last year, empowering the Governor and Special Council to pass laws for Lower Canada, the ground assumed for this interposition was the urgent necessity of the case; and powers were granted, which, at that time, were held to be the most despotic that had ever been conferred on any individual, — powers of which the Governor, himself, spoke in terms in which I should not have thought it correct to designate them, without attempting to qualify their force, but powers which were only granted in order to prevent absolute anarchy. The Government proposed by that Act to impose five restrictions on the exercise of the authority thus delegated; yet, of those five restrictions, they are now about to strike out three altogether, and to evade a fourth. Now, what were these five restrictions? In the first place, no powers were given to pass permanent laws. Secondly, no authority was given to impose taxes, beyond continuing those which were found in existence. The third restriction was, that the Governor and Special Council had no power of dealing with the Legislative Assembly, or with the qualification and rights of electors. The fourth was, that they should have no power of violating or infringing any British Act of Parliament, which had only been conferred from special circumstances upon the local Legislature. Now, three out of those four restrictions the Government propose to remove; and the fifth, which was to allow the Governor and Council no power to appropriate any larger sum of money than was appropriated in 1832, they do not, indeed, abrogate, but virtually evade and defeat; for as, in 1832, 70,000*l.* or 80,000*l.* was appropriated for local purposes, and the Governor and Council were empowered by the Bill to raise money for local purposes, to an unlimited extent, from other sources; this arrangement would put into the hands of the Governor and Council 70,000*l.* or 80,000*l.* of the public money, beyond what is confessedly necessary for the service of the state. It is almost impossible to deal with parts of a measure, unless the measure be considered as a whole. The principle upon which this measure seems to me to be founded, is directly at variance with that on which, in my opinion, it ought to rest. I would say, "Give no powers, except those which are absolutely called for by your instructions." The Government, on the other hand, seem to say, "Deny no powers, but such as are excluded by the restrictions pointed out." Now, I would ask the House, which is the safer of these two plans? Can it be doubted, for a moment, that, when dealing with powers to be conferred on a body confessedly unconstitutional, and free from popular control, — can it be doubted that the safe course would be, to grant to the Council those defined, limited, and restricted powers which are necessary, — and which you show Parliament are necessary, — not for the purposes of permanent legislation, but to enable them to carry on an *ad interim* administration, to prevent that inconvenience and confusion which might otherwise arise, until the provincial Legislature can be convened? What is the first and most important restriction? It is, that the laws that may be passed by this provisional Government shall be limited in their operation, not until 1842, but until such a limited period after that time as shall enable the anticipated permanent Government that may succeed to consider those laws which it may be necessary to continue. Let no one tell me that it is a matter of no importance, whether a law shall, of necessity, be repealed, or cease to take effect unless it be continued. There is all the difference in the world in this matter; and particularly when we come to deal with the constitutional rights of a people, more especially in a country where the whole framework of society has been disorganised, and where party spirit runs so high as it does in Lower Canada. I am willing to place reliance on Sir John Colborne. I will give credit to his prudence, and repose every confidence in the manner in which he may exercise any powers that Parliament may think proper to intrust him with. But if you leave him and his Council such a power as this, there is not one institution of the country — the tenure of property — a law existing in the province — which they might not change. There is no one thing that affects the social relations of that country, that they might not completely alter according to their will and pleasure, unrestricted by any power except the Crown. And, having so legislated, — knowing, as you do, how often the Upper and Lower Houses of the colonial Legislature have differed, and how both have opposed the authority

of the Crown, — I say, having so legislated, let the two branches of your permanent Legislature be as united as you please, when it shall be established in 1842, — without the consent of the Minister of the day, no one of the temporary Acts of this temporary Legislature can be repealed, even with the consent of the whole constituent body of Lower Canada. These are important points; and I see that Sir John Colborne and his Council are feelingly alive to their importance, by the zeal they evince in framing the measures which they consider necessary for the good government of Canada, — they show their sense of their importance by the zeal with which they undertake their duties, — it is the importance of these matters which kindles that zeal to do all in their power for the welfare of the province, — and it is their importance which ought, and which I trust will, induce the committee to pause before it gives to these Councils — these irresponsible and ill-constituted Councils — the power of making permanent laws with reference to subjects of such paramount importance. For what do they involve? What are the subjects which, it is said, press for legislation? My Right Honourable Friend opposite (Mr. Labouchere) has said the establishment of a register office is exceedingly important. No doubt of it. My Right Honourable Friend has said the formation of a court of appeal is very desirable. No doubt it is; but that is a subject which has exercised the abilities of both branches of the Legislature for many years past, without any solution having ever been come to, of the difficult problem as to the mode of its accomplishment; and yet it is proposed by the clause now under consideration to give to the Council the power of establishing, permanently, a court of appeal, without reference to the feelings either of the Legislature or any portion of the community. Not only, indeed, are they to be empowered to create a court of appeal, but the whole system of the judicature of the country is stated to be one of the points which call for legislation. I admit that matter to be most important; but is it a matter the Imperial Parliament would intrust, for settlement, to a temporary body, whose existence and authority will cease with the year 1840, and dependent only on the Prime Minister and Colonial Secretary of the day? The commutation or abolition of the *lods-et-ventes*, particularly in towns, and the other subjects connected with the feudal tenure of property, you say, are also important. I admit that they are so, and much too important to be dealt with by a Council which will expire in 1840. If it is meant to tell me that it is intended to give to the Council all the powers that could be given to a Legislature properly constituted, a strong argument is afforded me for saying that too great authority is confided under this Bill. Let me ask the committee what was the pretext under which Parliament was asked to give to the ordinances of the Governor and Council the character of permanent legislation? Were all these great and important points started? No — not one of them. When it was asked, the other day, what constituted the necessity for this character of permanence to the legislative Acts of the provisional Government of Canada? — what was the necessity for conferring these powers of taxation? we were told by a Right Honourable Gentleman connected and well acquainted with Canada, — and who, I regret, is not now in his place, — I mean the Right Honourable Member for Coventry, — the House was told by that Right Honourable Gentleman — not that any great constitutional question was to be solved — not that the alterations of the laws or customs of the province should be made the subject matter of permanent legislation by the Governor and Council, — but — that the want of security for local exertion checked private enterprise; local improvements were stopped, — the wharf at Montreal, for instance, could not be built, — public companies could not form railroads or canals, because rates could not be levied to defray their expense; and therefore, for those purposes, the powers of taxation, and of permanency to the ordinances, beyond the date of the year 1842 were required. In that proposition we, on this side of the House, acquiesced at once. We said, "Define the objects for which you require permanent legislation, and God forbid that we should stand in the way of local improvement! We wish to forward those great works and undertakings, by giving security to the investment of capital, because we know that they are essential to the furtherance of British interests in those provinces, and to their connection with the mother country; but we will not consent to give you power to legislate permanently upon any and every subject that it may enter into your heads to deal with, — and still less the power of taxing, without restriction, a whole community, for any purpose, and of nominating the delegated authorities of the Council to the municipal bodies, to enable them to tax their inhabitants to any amount, and for any objects connected with the municipal go-

vernment of the province, which they may think necessary for municipal purposes." This is so monstrous a proposition, that I am confident the committee of the House of Commons will not sanction it. Let the Government state, distinctly, what they want, and the extent to which authority is required to supply that want, and I am willing to meet them. I do not pretend to seek to repair the clause before the committee; for it is not the duty of Gentlemen on this side of the House (whatever may be the opinion of the Honourable and Learned Member for Liskeard) to remedy the blunders made by the Government, — to tell them to what extent I am willing to give powers, or to frame Bills for them. But I am ready to tell the Government that I am willing to give them a great portion of the powers asked for in the papers laid on the table by the Right Honourable Gentleman opposite (Mr. Labouchere). Those powers, sought for in the Report of the Committee of Special Council, are — authority to impose taxation for the purposes of internal improvements, and the maintenance of an efficient police force: — this I am ready to grant; for the lighting and paving the streets of the towns, and for the improvement of towns and villages: — this I will grant; powers to pass ordinances for the under-mentioned purposes, — namely, for the inspection of produce, and to impose rates of inspection — for authorising companies or individuals to construct railroads, canals, bridges, and other internal communications, and to impose tolls and rates of transport thereon — for the borrowing of money for internal improvements, on the security of the revenues of the province; — these powers, also, I am willing to grant; but I am not willing to grant to this Council the power of giving an unlimited duration to all their Acts and ordinances, passed for any purposes, or unlimited power of taxation, either by themselves, their delegates, or their sub-delegates, with the vague restrictions imposed by the present Bill.

The principle for which I contend is, that the Council should only have power to do those things as to which the power of so dealing shall be expressly and specifically confirmed to them; and not that, as proposed in this clause, they should have power to do everything that is not expressly denied to them. I will propose to my Right Honourable Friend, that, on this principle, the present and next clauses should be modified, and that they should state expressly to what extent the Government desire to omit the restrictions of the former Bill. I say nothing, at present, about the fourth clause, which involves a separate and distinct question — that of tenures; but in the two clauses now under consideration, the question of permanency and taxation are united. My Right Honourable Friend has said that these works of necessity will not proceed, because the Council are unable to raise money by tolls and rates; but let it not be forgotten that there is a surplus revenue in the province of 70,000*l.* beyond the ordinary expenditure. My Right Honourable Friend says, that sum is limited to local purposes, building bridges, constructing roads ——

Mr. LABOUCHERE. — And education.

LORD STANLEY. — I confess that education is not a matter I would intrust to a body like the Governor and Council. But to what better purposes could the surplus be applied, than such purposes of public utility as the keeping up a quarantine, or the establishment of a register? For those purposes, there is no need for permanent legislation or for permanent taxation; but we say we are ready to give the power to the Governor and Council of permanent taxation, necessary to promote local improvements — to secure the preservation of the peace by an efficient police — and to defray the expenses of watching, lighting, and paving the towns. Why could not the Government frame a clause on this principle? I have prepared one while sitting in the House, embodying my views, and establishing the principle for which I contend. I would state what powers are wanted, and why required, in matters of local improvement, &c., without dealing with those larger subjects of legislation, in which great constitutional questions are involved, and which ought to be settled by competent authorities, and not by a body which, in its nature, is unconstitutional, and to which the inhabitants are not inclined to pay any great respect. I would say that, "Whereas the powers of the Governor and Council, under the existing Act, are insufficient for certain purposes; and whereas, by that Act, no law or ordinance passed by the said Governor in council can continue in force after the year 1842; and whereas, under that Act, provision cannot be made for certain local purposes — such as police, paving, watching and lighting, making roads, building bridges, &c.; it is expedient that the provisions of that Act should be modified as herein provided;" — (taking care to define, strictly, the reason why such modification was necessary;) — "it shall and may be lawful for the Governor and Special

Council to pass Acts and ordinances, from time to time, for such purposes as are herein stated; — none other such Acts and ordinances to remain and continue in force until they shall be repealed by competent authority." I do not, of course, suggest this as the precise form of words that ought to be used; but it serves to show my principle, — that is, that you should state distinctly what powers you want, and for what purposes you want them — that you should have the power to make such qualifications in the existing restrictions, and such only, as may enable you to carry out those purposes of local improvement and government, but not to deal with other and larger questions, in which important principles are involved, and which it is most desirable should be satisfactorily and permanently settled by the competent authorities when constituted, rather than that (whether one year sooner or later) they should be settled by a body such as the Governor and Council. I do not intend to propose the substitution of any words such as I have read, for this clause; but, stating that, to such an extent, — and I believe I may say the same for my Honourable Friends on this side of the House, — there will be no difficulty in giving the powers required by the Governor and Council, I beg to move the omission of the clause now in the Chairman's hands, — leaving it to the Government to propose to substitute such a clause as I have described, if they shall think proper to do so.

Mr. LABOUCHERE. — I shall confine my observations, as closely as possible, to the subject immediately before the House. The Noble Lord has adverted to the subject of taxation, and other matters connected with it; but, in doing so, he has entirely misconceived the financial state of the province of Lower Canada, and the amount of the funds at the disposal of the Government for the purposes of local improvement, and the maintenance of the peace of the province by means of a well-organised police. My Noble Friend has said that there is a large surplus from the revenues of the province, which might be devoted to these purposes. But, Sir, the fact is, — as I stated on a former occasion, and as is proved by the documents on the table, — that the revenue of Lower Canada, in 1832, was 120,000*l.*; last year, it was only 95,000*l.* The amount of the permanent Civil List of the province is 60,000*l.*, therefore, at this time, there is a surplus of about 35,000*l.* The Noble Lord may say that this 35,000*l.* per annum might be applied to the formation of roads, buildings, bridges, and other improvements of a local kind. But my Noble Friend must know, full well, that that money is already appropriated to other purposes; for, by the system pursued in Lower Canada, the whole expense of education, and the maintenance of parochial schools, and many other matters of the kind, are defrayed out of this general fund, — and not levied, as in this country, by means of local rates; and, at this time, I believe that the whole, or nearly the whole, of this sum, is so absorbed. In the papers which were lately laid on the table, Sir John Colborne says, that although, in the present year, he has been able to keep up the police force in Quebec and Montreal, still, if the powers of the Special Council are not enlarged, which can alone adequately provide for its support, it will be impossible to maintain it, in those two towns, only for another year. I think this statement, alone, should be sufficient to convince my Noble Friend that he is now carrying on an erroneous opposition, founded on erroneous *data*; for it is here shown that no surplus remains at the disposal of the Government for the purposes of local improvement, and for extending the police, and other necessary institutions of the province.

As to the suggestion of my Noble Friend, — of limiting the power to be given to the Special Council, of passing permanent laws, and of levying permanent taxes, — I will only observe, that no road, no railroad, or canal would be attempted to be made, if the Council could only give the parties the power of levying tolls for one year. If this power were only to be given for one year, leaving men uncertain whether they would be allowed to exercise such power after the expiration of that period, it would be little better than a mockery, and had better be withheld altogether. Therefore, if you do not give the Council the power to legislate permanently on such matters, you might as well not give them the power to raise taxes for local purposes at all.

I now come to the other point touched on by my Noble Friend, — namely, the general and permanent legislation for the province. On this subject I would refer him to an authority which I am sure will have great weight with him — I mean that of Sir John Colborne. Stronger words could hardly be used, than were resorted to on this subject, by the gallant officer who is now responsible for the safety of those provinces, and whose merits I should be ashamed of myself if I were slow to acknowledge. This is the

language in which Sir John Colborne has spoken of the objects of permanent legislation, which my Noble Friend conceives might safely be deferred for another year, or more, — for it is obvious that those measures which he suggests as necessary to be legislated upon, could not be passed until time should have been allowed to the colony for canvassing and considering them. Now, this is Sir John Colborne's opinion as to the necessity for conferring those powers which it is now proposed to grant. He says, —

I have no doubt they are immediately required to impress a conviction of the efficacy of the law in parts of this province where justice has been, hitherto, imperfectly administered; to repair, in some degree, the evils under which the loyal inhabitants have long laboured, and relieve all classes from burdens which they have reluctantly borne; and to deprive the disaffected of that influence which acknowledged grievances, speciously exaggerated, have unhappily obtained for them.

Undoubtedly, Sir John Colborne suggests, as an alternative, if power be not given to the Special Council, that the Imperial Parliament should take upon itself to legislate on these subjects.

LORD STANLEY. — Hear, hear!

Mr. LABOUCHERE. — But I must say that, if Parliament were to undertake that duty, it would undertake a hopeless and an ungracious task. I am quite aware that a proposal of this kind, made by a Government, will naturally be encountered by many not only specious, but solid, arguments. But, on the other hand, let me call upon the committee to consider the dangers and inconvenience to which the colonial Government will be subjected, if these powers be denied. Sir John Colborne has declared that it is absolutely necessary, for the peace and tranquillity of the provinces, for the preservation of order, and in order to deprive the disaffected of the mischievous influence they have in the province, that some powers of permanent legislation should be applied. I therefore certainly feel that the House ought to hesitate before it accedes to the proposition of my Noble Friend, for depriving the existing Legislature of the colony — the Governor and Council — of all power of dealing, for two years, with subjects which immediately affect the tranquillity and wellbeing of the colony.

Mr. LEADER. — The only part of the Right Honourable Gentleman's speech which I concur with, was that in which he said, that the British House of Commons is not fit to legislate for Canada. I agree in that opinion. The House, however, was not slow to pass resolutions, two years ago, for depriving the colony of its legislative powers; although the Government now admit that we cannot be in a condition to pass laws for the colony, here, and are anxious to transfer that power to a small and irresponsible body in Canada. I agree with the Noble Lord, the Member for North Lancashire, in much that has fallen from him; and I cannot imagine how independent Members of the House of Commons, with their feelings as to the value of representative Government, can feel a doubt as to the impropriety of leaving such powers to the Governor and his Council in the colony; or how, unless they are actuated by strong party feelings, they can hesitate in now adopting the amendment of the Noble Lord, or in opposing the clause altogether. For myself, I shall certainly vote, with the Noble Lord, against the clause; and at this late hour, seeing the unwillingness of the committee to prolong this discussion, I shall add but this to the argument of the Noble Lord:—Suppose, even, that the Council should pass good laws, calculated to benefit the people of Canada, — they never would be accepted as good laws by that people, and would not confer those advantages on the colony which they might do if they were passed by a regular Legislature.

SIR R. PEEL. — The Right Honourable Gentleman has referred to Sir J. Colborne as an authority in favour of his proposition, — "that any law or ordinance passed by the provincial Government shall have a permanent operation, not limited to the year 1842, but, till repealed by some competent authority, to remain in full force and operation in the colony."—The Right Honourable Gentleman says that Sir J. Colborne advises that such a power of making permanent laws should be given. But does he advise it? What says Sir J. Colborne in the sentence immediately preceding that which the Right Honourable Gentleman has read? These are the words: —

Most of the measures to which I have thought it right to draw your Lordship's attention, as being of a character to demand the prompt interposition of her Majesty's Government, or of the Special Council, might, if found to be practically beneficial, be subsequently embodied in an Imperial Act providing for the future government of the province.

Sir John Colborne, then, does not advocate a system of permanent legislation by the Council: he merely says, "Enable me to make a practical experiment; and if I succeed, the Imperial Parliament can

legislate permanently." Why, that is what we propose. We do not want to prevent Sir J. Colborne from making the experiment in the interim between now and 1842. And if the result of that experiment shall show that certain alterations as to the laws relating to tenures and other matters would be beneficial, then the Imperial Parliament, or the new Legislature of the colony, may, if they think fit, give permanent operation to those experimental measures: but Sir J. Colborne does not advise that his special council should have the power, without the intervention of the Imperial Parliament, to make these permanent laws. Sir J. Colborne did not, in any of these cases, demand permanent powers of legislation. On this subject I will refer to what that gallant officer said in a subsequent despatch dated Montreal, in alluding to the changes proposed to be made there: —

The ordinance to incorporate the ecclesiastics of the seminary St. Sulpice, to confirm their title, and to provide for the general extinction of seigniorial rights and dues within their fiefs and seigniories, I trust, will be sanctioned by her Majesty's Government as soon as possible, and be authorised, by an Imperial Act, to be continued in force till repealed or revoked by competent legislative authority in the province. The provisions of this ordinance appear to give satisfaction generally to the inhabitants of Montreal, and also to the superior and ecclesiastics of the seminary, but certainly demand the confirmation of the Imperial Parliament, with reference to the extensive interests which would be affected by any doubt as to the permanency of the arrangements proposed.

I do not find, here, any demands for permanent legislation, but merely a desire for powers to enter upon practical experiments in legislating; and, if successful, that the Imperial Parliament should, if it think fit, step in and confirm them. Again, in his former despatch, Sir J. Colborne says, —

Lord Durham, I am aware, appointed commissioners to report upon several of the subjects in question; and had, I believe, framed ordinances for the consideration of her Majesty's Government, to authorise a commutation of the *lods-et-ventes* in Montreal, and the establishment of registry offices; but I imagine that the reforms which he was desirous of introducing, were not finally determined on, and I have therefore requested the Executive Council to collect such information as will enable me either to promote the views of my predecessor, or to propose measures for reconstructing the court of appeal and the judicature of the province, if the alterations which may be suggested can be effected through the legislative power granted to the Special Council.

This is not a suggestion of permanent legislation; and yet it is now proposed to give powers to the Governor and Council to pass permanent laws to effect compulsory changes in the tenure of property, compelling the *seigneurs* throughout the province to grant commutations, to any extent, to all who may apply for them. The Right Honourable Gentleman seems to refer, with some degree of triumph, to these documents. It was only the other day that I asked him a question as to the communications from Sir J. Colborne on the subject of the local improvements, and the Right Honourable Gentleman said that he could not answer me, but that he would look into the despatches on the subject; and in consequence of what was then said, these despatches of Sir John Colborne were laid on the table. The Right Honourable Gentleman says that the Imperial Parliament is unfit to legislate or to debate on Canadian affairs; but what is proposed in the Bill before the House? It provides, "that if any law or ordinance shall be made by the said Governor, with such advice and consent as aforesaid, altering or affecting the tenure of land within the said province of Lower Canada, or any part thereof, the operation of every such law or ordinance shall, by the terms thereof, be suspended for the signification of her Majesty's pleasure; and no such law or ordinance shall be confirmed or left to its operation by her Majesty until the same shall have been first laid for thirty days before both Houses of Parliament." Thus the Imperial Parliament is to be the judge,—according to the Government Bill, — which is finally to decide upon and give permanent operation to the enactments of the provisional Legislature of the colony; thus, the only check on this distant legislation, is, our admitted ignorance of the circumstances of the colony! I trust the House will not consent to give the Governor and Council in Lower Canada this unlimited power of indefinitely taxing the people of that province, and this power of permanent legislation; but that, while they give to the provisional Government all the necessary powers to effect local improvements, to establish an efficient police, and provide other necessary laws, — they will not trust the Governor and Council with almost unlimited power to deal permanently with all property and institutions of the colony.

Mr. LABOUCHERE. — I should be sorry to be misrepresented; therefore I would again entreat the attention of the committee to what Sir J. Colborne suggests. Sir J. Colborne says it is absolutely necessary that laws upon those subjects to which allusion has been made, should be immediately passed. It is quite

true that he suggests, as one possible course, that those laws might be passed temporarily by the Special Council, as experiments, — leaving it to the Imperial Parliament, if it should so think fit, to make them permanent. But, by the preceding sentence, he implies a doubt whether he has the power or not to pass such temporary laws. This, however, is the point to which I would especially direct the attention of the Right Honourable Gentleman; — Would not the alternative suggested by Sir J. Colborne, if adopted, be pregnant with great evils? Does the Right Honourable Baronet think that those laws which Sir J. Colborne says are necessary, should be passed, as it were on trial, as undecided measures, and that the whole country should be left in doubt whether it is to be governed by those laws, or not?

Mr. HUME. — I would ask the committee, — Do they consider it fair or just that an irresponsible and temporary Government should make laws for the permanent government of any colony? I can only suppose, from the conduct of her Majesty's Ministers, that they do not intend to restore to Lower Canada a free and representative system of government. I am sure that no man, on this or the other side of the House, can defend the making of permanent laws by irresponsible persons.

Mr. C. BULLER. — It appears to me that the House ought to be cautious how it abolishes the popular and representative Government of any province; but, when that is done, I consider that we are bound to establish an efficient Government in its place. It seems, from what has taken place, that Gentlemen opposite are willing to consent to abolish representative Governments, and to give every facility for such a purpose; but, when this is accomplished, they make up the matter with their consciences by doing all in their power to cripple the Government established in its place.

[Cries of "Oh, oh!" from the Opposition benches.]

I would ask Honourable Gentlemen, — is it possible to lay aside party considerations, for a moment, on a subject of this kind, and to think only of the interests of the colony? and then, I say, is it safe or proper, when you are establishing a Government which is to have the whole legislative authority, in a colony disturbed by insurrection, to deprive it of the ordinary and necessary powers of a governing body? I do not concur in the principle of the Noble Lord, that we should give this Government no powers except those which we precisely specify. I say, it is absurd to have such a curtailed and emasculated Government in any country. You should give to every Government the powers necessary to enable it to perform its functions efficiently; denying it those powers only, which, for especial reasons, it may be proper to withhold. I should agree with the Right Honourable Baronet the Member for Tamworth, in withdrawing from this provisional Legislature all powers of making any permanent or temporary regulations as to the tenure of land; but that is the only exception I would make, except the question of religion, which is mentioned in another proviso. I know no other questions which we ought to deprive the Governor and Council of the power of legislating upon. The question simply reduces itself to this, — whether there shall be a Legislature with the power of making permanent laws, that may be repealed by the future popular Legislature? or whether that Legislature shall only have the power to make temporary laws, which that future popular Legislature may continue? Now, if the future Legislature be really popular and efficient, I cannot conceive that there exists any very great difference in practice between the two propositions. But, by the plan proposed, — of making every law temporary, and to expire at the meeting of the new Legislature, — the result would be produced, of having in that new Legislature the settlement of almost all the questions that are likely to excite strong party feeling. Honourable Gentlemen who are for temporary laws, are not, perhaps, aware of the evils that have already arisen out of the practice that has prevailed in Lower Canada, of making merely temporary Acts, in order that, on the expiry of those Acts, terms might be made with the Government prior to their being renewed. Year after year these temporary laws come dropping in; and one consequence of the practice is, that, at the present moment, Lower Canada, by the mere expiry of such laws, is left without many of the most necessary. For instance, there is, at this time, no jury law in Lower Canada. The juries are summoned, not according to any rule laid down by Act of Parliament, but by regulations issued in a letter from the Governor, which he may alter or withdraw at any time he thinks fit. With the exception, then, of the subjects of tenures of land and of religion, I cannot conceive that any harm could be done by the concession of the power to make permanent laws.

With reference to what has fallen from the Noble Lord opposite, on the subject of not giving to the Governor and the Legislature the powers of legislating on the education of children, I must be allowed to remind the House, that the Education Law is one of those expiring laws; and that, in fact, owing to some squabble of dispute in the Legislature, all the schools in Lower Canada were stopped at once. Will the Noble Lord go so far as to say that the educational system of Lower Canada ought not to be reconstructed on a proper footing?

SIR R. PEEL.—The Honourable and Learned Gentleman seems disposed to attack every one who may chance to entertain opinions, on the subject of Canada, different from those of the Government; while he is extremely tender of his own right to differ from Government. The Honourable and Learned Gentleman objects to any attempt to interfere with the laws of property in the colony; but, then, why will he not allow us to form a judgment in respect to other matters? Now, we find that, according to the Report of the Council, no efficient registration law can come into operation, unless there be a change in the laws relating to the tenure of property. These are the words of Sir John Colborne's Special Council:—

The general or indeterminate mortgage, or *hypothèque* (that is, without specification of any particular property to which it is to attach); the customary dower, arising, without special contract, from the mere celebration of marriage, and descending as an inheritance with an indefeasible *hypothèque* to the children; and the legal or tacit mortgage arising from the offices of tutor and curator, which most persons may, by law, be compelled to undertake;—these are circumstances in the existing state of the law, which materially interfere with the adoption of an effectual system of registry, and seem to present impediments which no system can entirely surmount, while they continue to exist.

Therefore the Honourable and Learned Member admits that any registration law must be ineffectual until an alteration in the law of property shall be effected.

Mr. C. BULLER.—I did not refer to the law of property, but to the law of its tenure.

SIR R. PEEL.—The law of landed property, I understood the Honourable and Learned Member to refer to. Then, the Honourable and Learned Member will not allow the law of tenures to be touched, while all the other laws relating to property may be dealt with by the Special Council. It certainly does appear to me, that either the Council should have the power to legislate permanently as to property, or be restrained altogether from exercising any power with regard to it. For, with the admitted ignorance of the Imperial Parliament as to Canadian usages, to permit the law of dower or the law of mortgage to be interfered with, would be impolitic and absurd.

Mr. C. BULLER.—I am at a loss to conceive how I have brought upon myself the lecture of the Right Honourable Baronet.

SIR R. PEEL.—It is because the Honourable and Learned Gentleman charged us with sacrificing the good of the Canadas to party considerations, when the Noble Lord had distinctly acquitted us of all such feeling.

Mr. C. BULLER.—I cannot remember having said anything of the kind.

[Cries of "Oh, oh!"]

Will any Honourable Member get up and assert the contrary of that which I now assert as a fact?

COLONEL T. WOOD.—Yes. I am quite prepared to assert that the Honourable and Learned Member said that Honourable Gentlemen on this side were actuated by party considerations.

Mr. C. BULLER.—I certainly said that I hoped no party feeling would be allowed to interfere. I admit it was considered that a registration law would not be effectual without a settlement of the question of tenures; but I never heard it said that we had better refrain from considering such a measure until the question of tenures should be decided.

LORD J. RUSSELL.—When I followed the Right Honourable Baronet, before the House went into committee, I stated, as he has said, that there was nothing in the general principles laid down by the Right Honourable Baronet to which I could fairly object; yet, at the same time, I must observe, that I never understood the Right Honourable Baronet to object to the clause now under consideration. The Right Honourable Baronet, in his speech, on stating the course he should take, commenced with the third clause, and I therefore concluded—(and nothing afterwards fell from him to the contrary)—that he had no objection to

offer to the second clause. This is, in my mind, a very important clause, — one on which, I will not say the absolute existence of the Government in Canada depends, but with which the property of the people of the colony is essentially mixed up. The Noble Lord the Member for North Lancashire has adverted, in his own peculiar way, to two different views of this question, taken by the Government on the one hand, and by himself and those on that side of the House on the other. But my views differ somewhat from those of the Noble Lord. My opinion is, that we are, in this Bill, asking for all the powers that would tend to the benefit of the Canadian people. The Noble Lord, on the other hand, and those who concur with him, think only of the maintenance of the peace of the province, and are willing to allow those powers necessary for establishing a police force, and for taking other measures of security, without taking into consideration what are the measures most calculated to be permanently advantageous to the province, and which tend to good legislation. In the Bill of last year, we were anxious, as far as possible, to limit the powers of the Governor, and to take those powers, only, that were absolutely necessary for the government of the province; but the consequence was, that repeated complaints were made, — first by Lord Durham, and subsequently by Sir John Colborne; — and, therefore, I conceived, properly made, — of the insufficiency of the powers of the Governor. It was the duty of the Government to propose to invest the Governor with such powers as should remedy the evil complained of. Now, if we were to frame this clause according to the suggestion of the Noble Lord the Member for North Lancashire, and take those powers, only, which he proposes to grant, — those powers which Sir John Colborne has said he considers necessary, would not be given, and could not be exercised. Sir John Colborne says, that "to promote the better tranquillity of the province, these additional powers are required." This is Sir John Colborne's opinion. Now, with regard to the limitation of the power to grant money for local purposes, — although I do not agree with the Noble Lord, — I am disposed to think that words might be introduced to limit that power more strictly than it is limited by the Bill as it stands, and I am willing to consider the subject with the view to the introduction of such words. Then, as to the power to deal with the tenures of land. I have some doubt whether that ought to be restricted; but if we limit that power to the year 1842, as it is now limited by law, we do promote that disaffection which is produced by want of local improvement in the province; for, if security beyond 1842 be not given, it is quite evident that those local improvements which may be desirable, will not go on. This power will be seen to be the more necessary, when it is considered — as has been truly said by the Honourable and Learned Member for Liskeard — that, for some time previous to the passing of the Act of last year, the two branches of the Canadian Legislature, having disputes between themselves, were not accustomed to unite for the purpose of passing those measures which were required for the general improvement and advantage of the colony. I trust the committee will agree with me, that the powers here proposed to be given are no more than the circumstances of the case require, and therefore that they will pass the clause as it now stands in the Bill.

SIR R. PEEL. — I wish to remove from the mind of the Noble Lord, the impression that I was at any time favourable to this clause. The committee and, I am sure, the Noble Lord will recollect, that on the second reading of the Bill, this was the only clause to which I alluded. I then said, "You have not explained to me why you require powers of permanent legislation." I said, too, that to give the power to continue existing laws, was a totally different thing from giving a power to make new laws, and to legislate permanently upon matters of the greatest importance as affecting the property and interests of the colony. And what was the reply? The Right Honourable Gentleman (Mr. Labouchere) said, "I hope the Right Honourable Gentleman will be cautious how he disapproves of these powers which it is now proposed to give to the Governor and Council, inasmuch as there are various measures of local improvement which require to be permanently legislated upon."

The committee then divided upon the question, "That the clause, as amended, stand part of the Bill:" — Ayes 174; Noes 156; — Majority 18.

AYES.

Aglionby, H. A.	Berkeley, Hon. G.
Anson, Hon. Colonel	Blake, M. J.
Attwood, T. (Birm.)	Blake, W. J.
Bainbridge, E. T.	Bowes, J.
Baines, E.	Bridgeman, H.
Baring, F. T.	Briscoe, J. I.
Barnard, E. G.	Brodie, W. B.
Barry, G. S.	Brotherton, J.
Beamish, F. B.	Bryan, G.
Berkeley, Hon. H.	Buller, C.

Bulwer, Sir L.
Campbell, Sir J.
Cavendish, Hon. C.
Cavendish, Hon. G. H.
Childers, J. W.
Clay, W.
Collins, W.
Cowper, Hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Dalmeny, Lord
Denison, W. J.
D'Eyncourt, Rt. Hon. C. T.
Divett, E.
Donkin, Sir R. S.
Duncombe, T.
Dundas, Sir R.
Elliot, Hon. J. E.
Ellice, E.
Ellis, W.
Evans, Sir De Lacy
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzroy, Lord C.
Gillon, W. D.
Gordon, R.
Grattan, J.
Greenaway, C.
Grey, Rt. Hon. Sir C.
Grey, Rt. Hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Handley, H.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hill, Lord A. M. C.
Hobhouse, Right Hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howick, Lord Viscount
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, John
Kinnaird, Hon. A. F.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lemon, Sir C.
Lennox, Lord A.
Lushington, C.
Lushington, Rt. Hon. S.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Maryland, H.
Maule, Hon. Fox
Melgund, Lord Visct.
Molesworth, Sir W.
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, Daniel
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Palmer, C. F.
Palmerston, Lord Vt.
Parker, J.
Parnell, Rt. Hn. Sir H.
Pechell, Captain
Philips, M.
Pigot, D. R.
Pinney, W.
Ponsonby, C. F. A. C.
Ponsonby, Hon. J.
Power, James
Pryme, G.
Pryse, P.
Reid, Sir J. R.
Rice, E. R.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, R. L.
Smith, B.
Smith, R. V.
Somers, J. P.
Spencer, Hon. F.
Stanley, M.
Stanley, Hon. W. O.
Stewart, James
Stuart, Lord J.
Steuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Thomson, Rt. Hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, Hon. C. P.
Wakley, T.
Wall, C. B.
Wallace, R.
Ward, H. G.
Westenra, Hon. H. R.
Westenra, Hon. J. C.
White, A.
White, H.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W. A.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

Tellers.

Stanley, E. J.
Steuart, R.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Archdall, M.
Ashley, Lord
Ashley, Hon. H.
Bagge, W.
Baillie, Colonel
Baker, E.
Barneby, J.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Canning, Rt. Hn. Sir S.
Chute, W. L. W.
Clerk, Sir G.
Colquhoun, J. C.
Courtenay, P.
Damer, Hon. D.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Dungannon, Lord Vt.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Dev.)
Farnham, E. B.
Fielden, J.
Fector, J. M.
Filmer, Sir E.
Forester, Hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Gordon, Hon. Captain
Graham, Rt. Hn. Sir J.
Grant, F. W.
Grimsditch, T.
Grimston, Lord Visct.
Grimston, Hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Hawkes, T.
Henniker, Lord
Herbert, Hon. S.
Hinde, J. H.
Hindley, C.
Hodgson, R.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T
Hughes, W. B.
Hume, J.
Hurt, F.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, S.
Johnson, General
Knatchbull, Rt. Hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, Hon. T.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Leader, J. T.
Lincoln, Earl of
Lockhart, A. M.
Mackenzie, T.
Mahon, Lord Viscount
Meynell, Captain
Miller, W. H.
Neeld, John
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Hon. G. J.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Powerscourt, Lord Vt.
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Richards, R.
Rolleston, L.
Rose, Rt. Hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sheppard, T.

Sibthorp, Colonel	Walsh, Sir J.
Sinclair, Sir G.	Wilbraham, Hon. B.
Somerset, Lord G.	Williams, T. P.
Stanley, Lord	Williams, W.
Stormont, Lord Visct.	Wood, Colonel
Sturt, H. C.	Wood, T.
Sugden, Rt. Hn. Sir E.	Wynn, Rt. Hon. C. W.
Teignmouth, Lord	Yorke, Hon. E. T.
Thomas, Colonel H.	Young, J.
Thompson, Alderman	
Vernon, G. H.	*Tellers.*
Villiers, Lord Visct.	Baring, H.
Waddington, H. S.	Fremantle, Sir T.

The clause was then agreed to.

Clause 3. agreed to, with some verbal amendments.

Clause 4.

On this clause being put, —

SIR R. PEEL said: — I propose to embody in this clause the excellent proviso contained in the marginal note: the words are "or the law of the tenure of lands." These words express the original intention of the Government; all I wish to do, therefore, is, to make the clause conform to that intention.

LORD VISCOUNT HOWICK. — I would call on the committee to pause before they agree to the alteration now proposed. The question of tenures is one that has excited much difference and ill feeling between the English and the French party in Lower Canada, and has tended in no slight degree to produce that state of things we have now to provide for. The present law of tenures is founded on the old and barbarous custom of France. The existence of that law forms the most complete obstacle to improvement that can be imagined; it prevents the possibility of the establishment of a good system of registration; and without registration, by which security is given to the purchaser of land, you cannot expect to see anything like improvement in the colony. I concur in the opinion that has been expressed to-night, — that very much of the distress of the colony is to be attributed to this source. If we were certain that we should return directly to a popular form of government in Lower Canada, I still should think it would be desirable to make a settlement, fair between both parties, of this long-contested question of the law of landed property; and I believe it would be practicable for the Governor and Council, with the assistance of those instructions which they would receive from the Government at home, to draw up such a code as would be satisfactory to all parties. But if we return to a popular form of government in the colony, leaving this great question unsettled, I am convinced that the result will be, to revive all the disputes and bitter animosities between the two parties, which have hitherto existed. We shall again have the one party struggling for English law, and the other for French law, and an effectual barrier will be raised against the peace and prosperity of the colony. It may be said that the Governor and Council may pass bad laws. Admitting that they do, — still we take every possible security against such a contingency; for we provide that no law which may be passed by the Government of the colony shall come into operation until the Imperial Parliament shall have had an opportunity of considering it, and expressing an opinion upon it. And although we may have neither the information nor the leisure to go into the consideration of the details of the subject, so as to enable us to enact laws for the colony ourselves, surely we shall be capable of considering whether those which may be submitted to us by the Governor and Council are such as ought to be carried into operation in the province. I object to the amendment which the Right Honourable Baronet has proposed, because I conceive that its practical effect would be, to make the popular Legislature of the colony, on its being again called together, the scene of angry contentions on this subject of the law of property.

SIR E. SUGDEN. — The Noble Lord has, at length, shown what is the real object of the Government, — namely, to make a final settlement of all these long-disputed and long-pending questions of Canadian law. And I must say, that I consider it a most unfair advantage to be taken, that now, when you have deprived the people of Canada of all power to legislate for themselves, you should interfere — arbitrarily, by means of the Governor and Council — with these rights, without their consent; and that you should take advantage of a suspension of the constitution of the province to sacrifice one of the contending parties to the other. This is a proposition which the Noble Lord would not have ventured to make, had the popular Government been still in existence; but the French Canadians are now down, and the Government would take this opportunity to deprive them of their rights. The Noble Lord might as well attempt to deprive me of my pro-

perty, as to take away the rights of the French Canadians without their consent. I say, wait until you have a fair balance between the two parties; and then leave it to them to consider and decide upon their respective rights, and to adjust them with a due regard to the claims of each.

LORD J. RUSSELL. — So far as I understand, there is no person or party who contends, exactly, that the state of the law of tenure which has hitherto existed, and which now exists, in Lower Canada, ought to continue. One party contends that it ought to be changed, and the English law of property substituted; the other party contends, also, that it ought to be changed, but not for the English law. I believe that, in the colonial Legislature, both parties were for change, and the only question was as to the manner of that change. We endeavoured to make an alteration in the Canadian law of tenures; and, as might be expected from our want of acquaintance with the subject, we made several mistakes. Now, I think, these are reasons why we should provide, before the re-establishment of the popular Assembly, some change in the law as regards the tenure of land in Canada; for, if the Assembly were to meet while that question was still unsettled, the probability is, that the old quarrel would be renewed, and that no satisfactory law would be agreed to for that purpose. Therefore, I think the present opportunity an advantageous one for adjusting these disputes. At the same time, I admit that there is some force in the objection to the Governor in council having the power to alter this law, — affecting as it does all the holders of land and all the property in the colony, — without allowing to the people who would be affected by such an alteration an opportunity of stating their opinions, and without any appeal being permitted to them. I am ready, then, to propose this, — that, giving to the Governor in council the general power he now has, he should be allowed to prepare and frame any ordinance in relation to this subject; but that it should not come into operation, or have the force of law, until confirmed by an Act of the Imperial Parliament. I therefore would propose to insert, between the twentieth and twenty-first line, words to this effect: — "That any law or ordinance that may be passed by the Governor in council, affecting the tenure of land, shall be suspended in its operation, until such law or ordinance shall be confirmed by an Act of the Imperial Parliament."

SIR ROBERT PEEL. — I wish my amendment put, but I will not trouble the committee to divide upon it.

The question, "That the words 'or any law affecting the tenure, or the law of tenure, or the enfranchisement of the land, or the seigniories belonging to the several proprietors,' be inserted," was then put, and negatived.

The amendment, as proposed by LORD JOHN RUSSELL, was then put, and agreed to.

Clause, as amended, agreed to.

The remaining clauses, and the preamble of the Bill, were then severally put, and agreed to; House resumed; Bill to be reported on Monday next.

PAROCHIAL CURE OF SOULS BILL.

Reported; amendments agreed to; amendment made; to be read a third time this day.

TURNPIKE ACTS CONTINUANCE BILL.

Read a third time, and passed.

INDEMNITY BILL.

Considered in committee; to be reported this day.

SOAP DUTIES DRAWBACK BILL.

Considered in committee; to be reported this day.

COUNTY COURTS (ADVANCE OF MONEY).

In committee.

Resolved, That there shall be issued, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sums as may be necessary to make good any deficiency in the general fee fund of the county courts which may be established by virtue of any Act of the present Session for improving county courts.

Resolution to be reported this day.

Sibthorp, Colonel	Walsh, Sir J.
Sinclair, Sir G.	Wilbraham, Hon. B.
Somerset, Lord G.	Williams, T. P.
Stanley, Lord	Williams, W.
Stormont, Lord Visct.	Wood, Colonel
Sturt, H. C.	Wood, T.
Sugden, Rt. Hn. Sir E.	Wynn, Rt. Hon. C. W.
Teignmouth, Lord	Yorke, Hon. E. T.
Thomas, Colonel H.	Young, J.
Thompson, Alderman	
Vernon, G. H.	*Tellers.*
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On this clause being put, —

SIR R. PEEL said: — I propose to embody in this clause the excellent proviso contained in the marginal note: the words are "or the law of the tenure of lands." These words express the original intention of the Government; all I wish to do, therefore, is, to make the clause conform to that intention.

LORD VISCOUNT HOWICK. — I would call on the committee to pause before they agree to the alteration now proposed. The question of tenures is one that has excited much difference and ill feeling between the English and the French party in Lower Canada, and has tended in no slight degree to produce that state of things we have now to provide for. The present law of tenures is founded on the old and barbarous custom of France. The existence of that law forms the most complete obstacle to improvement that can be imagined; it prevents the possibility of the establishment of a good system of registration; and without registration, by which security is given to the purchaser of land, you cannot expect to see anything like improvement in the colony. I concur in the opinion that has been expressed to-night, — that very much of the distress of the colony is to be attributed to this source. If we were certain that we should return directly to a popular form of government in Lower Canada, I still should think it would be desirable to make a settlement, fair between both parties, of this long-contested question of the law of landed property; and I believe it would be practicable for the Governor and Council, with the assistance of those instructions which they would receive from the Government at home, to draw up such a code as would be satisfactory to all parties. But if we return to a popular form of government in the colony, leaving this great question unsettled, I am convinced that the result will be, to revive all the disputes and bitter animosities between the two parties, which have hitherto existed. We shall again have the one party struggling for English law, and the other for French law, and an effectual barrier will be raised against the peace and prosperity of the colony. It may be said that the Governor and Council may pass bad laws. Admitting that they do, — still we take every possible security against such a contingency; for we provide that no law which may be passed by the Government of the colony shall come into operation until the Imperial Parliament shall have had an opportunity of considering it, and expressing an opinion upon it. And although we may have neither the information nor the leisure to go into the consideration of the details of the subject, so as to enable us to enact laws for the colony ourselves, surely we shall be capable of considering whether those which may be submitted to us by the Governor and Council are such as ought to be carried into operation in the province. I object to the amendment which the Right Honourable Baronet has proposed, because I conceive that its practical effect would be, to make the popular Legislature of the colony, on its being again called together, the scene of angry contentions on this subject of the law of property.

SIR E. SUGDEN. — The Noble Lord has, at length, shown what is the real object of the Government, — namely, to make a final settlement of all these long-disputed and long-pending questions of Canadian law. And I must say, that I consider it a most unfair advantage to be taken, that now, when you have deprived the people of Canada of all power to legislate for themselves, you should interfere — arbitrarily, by means of the Governor and Council — with these rights, without their consent; and that you should take advantage of a suspension of the constitution of the province to sacrifice one of the contending parties to the other. This is a proposition which the Noble Lord would not have ventured to make, had the popular Government been still in existence; but the French Canadians are now down, and the Government would take this opportunity to deprive them of their rights. The Noble Lord might as well attempt to deprive me of my pro-

perty, as to take away the rights of the French Canadians without their consent. I say, wait until you have a fair balance between the two parties; and then leave it to them to consider and decide upon their respective rights, and to adjust them with a due regard to the claims of each.

LORD J. RUSSELL. — So far as I understand, there is no person or party who contends, exactly, that the state of the law of tenure which has hitherto existed, and which now exists, in Lower Canada, ought to continue. One party contends that it ought to be changed, and the English law of property substituted; the other party contends, also, that it ought to be changed, but not for the English law. I believe that, in the colonial Legislature, both parties were for change, and the only question was as to the manner of that change. We endeavoured to make an alteration in the Canadian law of tenures; and, as might be expected from our want of acquaintance with the subject, we made several mistakes. Now, I think, these are reasons why we should provide, before the re-establishment of the popular Assembly, some change in the law as regards the tenure of land in Canada; for, if the Assembly were to meet while that question was still unsettled, the probability is, that the old quarrel would be renewed, and that no satisfactory law would be agreed to for that purpose. Therefore, I think the present opportunity an advantageous one for adjusting these disputes. At the same time, I admit that there is some force in the objection to the Governor in council having the power to alter this law, — affecting as it does all the holders of land and all the property in the colony, — without allowing to the people who would be affected by such an alteration an opportunity of stating their opinions, and without any appeal being permitted to them. I am ready, then, to propose this, — that, giving to the Governor in council the general power he now has, he should be allowed to prepare and frame any ordinance in relation to this subject; but that it should not come into operation, or have the force of law, until confirmed by an Act of the Imperial Parliament. I therefore would propose to insert, between the twentieth and twenty-first line, words to this effect: — "That any law or ordinance that may be passed by the Governor in council, affecting the tenure of land, shall be suspended in its operation, until such law or ordinance shall be confirmed by an Act of the Imperial Parliament."

SIR ROBERT PEEL. — I wish my amendment put, but I will not trouble the committee to divide upon it.

The question, "That the words 'or any law affecting the tenure, or the law of tenure, or the enfranchisement of the land, or the seigniories belonging to the several proprietors,' be inserted," was then put, and negatived.

The amendment, as proposed by LORD JOHN RUSSELL, was then put, and agreed to.

Clause, as amended, agreed to.

The remaining clauses, and the preamble of the Bill, were then severally put, and agreed to; House resumed; Bill to be reported on Monday next.

PAROCHIAL CURE OF SOULS BILL.

Reported; amendments agreed to; amendment made; to be read a third time this day.

TURNPIKE ACTS CONTINUANCE BILL.

Read a third time, and passed.

INDEMNITY BILL.

Considered in committee; to be reported this day.

SOAP DUTIES DRAWBACK BILL.

Considered in committee; to be reported this day.

COUNTY COURTS (ADVANCE OF MONEY).

In committee.

Resolved, That there shall be issued, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sums as may be necessary to make good any deficiency in the general fee fund of the county courts which may be established by virtue of any Act of the present Session for improving county courts.

Resolution to be reported this day.

ASSESSED TAXES COMPOSITION BILL.—INLAND WAREHOUSING BILL.— HIGHWAY RATES BILL.

Committees severally deferred till this day.

LOAN FUND (IRELAND) BILL.

Committee deferred till Wednesday next.

POOR LAW COMMISSION CONTINUANCE BILL.

Second reading deferred till this day.

PAYMENT OF RATES BILL.— TIMBER SHIPS BILL.

Second readings severally deferred till Wednesday next.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Committee deferred till Friday, the 26th of July.

NEW SOUTH WALES.

On the motion of Mr. LABOUCHERE, Act read; Bill to continue and amend the said Act, ordered to be brought in by Mr. LABOUCHERE and SIR GEORGE GREY.

COLLECTION OF RATES BILL.

Second reading deferred till Thursday next.

FACTORIES BILL.

Committee deferred till Monday next.

CONSTABULARY FORCE (IRELAND).

Bill, "for the better Regulation of the Constabulary Force in Ireland," presented, and read a first time; to be read a second time on Tuesday next, and to be printed.

ECCLESIASTICAL DISTRICTS BILL.

Read a first time; to be read a second time on Wednesday next, and to be printed.

Adjourned at half after one o'clock.

HOUSE OF LORDS, VENERIS, 12° DIE JULII, 1839.

APPEALS.

Sir L. Saint George Skeffington, Baronet, *v.* Budd. — Appeal presented, and respondent ordered to answer in a fortnight.

The Royal Bank of Scotland *v.* Ranken. — Appeal presented, and respondent ordered to answer in four weeks.

Barry (pauper) *v.* Waddell. — To be heard on Tuesday next.

Miller *v.* Knox. — Petition of the respondent for judgment, read, and ordered to lie on the table.

Phipps *v.* Ackers. — To be re-argued, by one counsel of a side, before the judges, next Session.

TEMPLER'S ESTATE BILL.

Read a third time, and passed; and sent to the Commons.

COUNT DE ST. GEORGE'S NATURALISATION BILL. — MARSHALL'S ESTATE BILL.

Returned from the Commons, agreed to.

BOULTON'S ESTATE BILL.

Reported specially, with amendments; a clause added, before the saving clause; and Bill to be ingrossed.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO ADDRESS OF YESTERDAY.

Reported.

DEPTFORD PIER BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

FILTRATION COMPANY BILL.

Returned from the Commons, with the amendments agreed to.

NEWPORT DOCKS BILL.

Reported specially, without amendment.

ESTABLISHED CHURCH (CANADA).

LORD REDESDALE presented a petition for the protection of, — of the minister, churchwardens, and others of Newport (Isle of Wight). — Read, and ordered to lie on the table.

BRICK DUTIES BILL. — PAPER DUTIES BILL. — GLASS DUTIES BILL.

Read a third time (according to order), and passed.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, That the following Lords be selected and proposed to the House to form the select committee for the consideration of the Bill; namely, —

The Earl of Morton,
The Viscount St. Vincent,
The Lord Calthorpe,
The Lord Minster,
The Lord Stuart de Rothesay.

Agreed to, and the said Lords appointed accordingly; the committee to meet on Tuesday next, at eleven o'clock; and the petitions in favour, and the petitions praying to be heard by counsel against, severally referred to the committee, with leave to those praying to be heard by counsel, to be heard, as desired, as also counsel for the Bill.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

The DUKE of WELLINGTON presented a petition from James Tulloch, of Montague Place, Bedford Square, in the county of Middlesex, Esquire, praying to be heard by himself, his counsel, or agents, against the Bill. — Read, and ordered to lie on the table.

PRESBYTERIAN SOLDIERS.

The MARQUESS of DOWNSHIRE. — My Lords, a petition has been placed in my hands, to which I am very anxious to call the attention of your Lordships, as it proceeds from a body of men who are entitled to, and will, I am sure, receive, your Lordships' most favourable consideration. The petition is from the ministers and elders of the General Synod of Ulster, assembled together in Belfast. They have been for some time very anxious to obtain, for that portion of their flocks who are in the army, permission to be marched to a Presbyterian place of worship; and they pray that they may be taken to a Presbyterian church, where it is convenient, as is the case with Roman Catholic soldiers; and that one Presbyterian priest may be appointed to each of the large garrisons throughout the empire. I hope that this petition will obtain the serious consideration of her Majesty's Government.

Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

The MARQUESS of DOWNSHIRE presented a petition against any further grant of money for the support of, — of inhabitants of Donaghadee. — Read, and ordered to lie on the table.

COMMITTEE ON THE STATE OF CRIME IN IRELAND.

LORD WHARNCLIFFE. — When the Noble Marquess, who, I am sorry to perceive, is not now in his place, asked me, the other day, when the Report of the Irish Committee would be presented, I gave him reason to anticipate that it would soon be ready; but the committee find that they cannot answer the wish of the Noble Marquess so early as they expected. They hope, however, to be able to present their Report in a fortnight. I can assure the House that no time whatever has been lost by the committee; and when I tell your Lordships that there are nearly 1500 pages of evidence from which the committee have to make a summary, I think that that fact supplies a sufficient explanation of the delay.

LORD BROUGHAM. — I am quite sure that your Lordships will be of opinion that no unreasonable delay has taken place in this matter. I can also say, with almost verbal accuracy, that the committee are pretty nearly agreed upon their Report, and that all remains to be done is the mechanical part of the Report.

BEER-HOUSES.

LORD BROUGHAM. — I rise to bring before your Lordships a subject of very considerable importance; but as it has already received much discussion, I feel it unnecessary to detain the House at greater length than the time which I shall occupy in reading the resolution that I have to submit to your Lordships, — reserving any observations which I have to offer for my reply. The resolution is as follows: — "That it is the opinion of the House, that, with a view to the improvement and happiness of the people, and the good order of the community, it is expedient, as speedily as possible, to place all beer-houses upon the same footing with the houses of licensed victuallers, in so far as regards the licensing of the same houses." Your Lordships will see that, if this principle were carried out by a Bill to-morrow, there would be nothing to prevent its being accompanied by other regulations. It appears to me, that this resolution may be acceded to by all of your Lordships who think that a very great change in the law has become necessary; and that, I venture to think, must be the opinion of nearly everybody.

The MARQUESS of WESTMINSTER. — I must say that the proposition of my Noble and Learned Friend is most irregular; and upon that ground, alone, I shall give it a negative. The fate of the Noble and Learned Lord's Bill has been most singular. The Bill, originally, contained such extraordinary provisions, that a proposal of a most unusual nature — to refer it to a special committee — was agreed to; and I will take the liberty of stating, that it came out of that committee in a still more objectionable form, even, than it had assumed before. With regard to this resolution, if the beer-sellers

were placed on the same footing as the licensed victuallers, and allowed to sell wine and spirits as well as beer, I should not object to it; but there is no real equality between their situations.

LORD BROUGHAM. — The course I propose taking is, I will contend, by no means irregular. It may be unusual; but, I repeat that it is perfectly regular. The House of Commons, during the interval between the third reading of the Bill in your Lordships' House, virtually negatived that Bill, by deciding on an amendment to the measure in that House, which embodied its principle. I conceive, therefore, that a resolution, expressive of your Lordships' opinion, would be more effective than the sending down the Bill to the other House. The principle of the resolution, I apprehend, is quite fair, — it will put the beer-houses, in all particulars, on a footing with the licensed victuallers.

VISCOUNT MELBOURNE. — Whatever be the object of the resolution, it seems to me to be useless. It is already ascertained that the House of Commons entertain a view on this question different from that of your Lordships; and to expect to induce them to concur by means of this resolution, seems to me an idle mode of proceeding. I am, besides, opposed to the resolution as explained by the Noble and Learned Lord. In all that relates to hours, and other minor regulations, I am for putting the beer-houses on a footing with the licensed victuallers' houses; but I am decidedly opposed to a return to the old licensing system, which always produced such great discontent. For these reasons, I shall move the previous question.

LORD BROUGHAM. — My object in introducing the resolution was, to give your Lordships an opportunity of communicating your opinion on the subject to the House of Commons; but if your Lordships prefer sending down a Bill, I have no objection.

The MARQUESS of SALISBURY. — The Noble Viscount at the head of the Government will find it impossible, let him establish as numerous a police as possible, to make beer-shops in the country anything but a nuisance, so long as their proprietors can obtain an excise license independently of the recommendations of the magistrates. I think the more expedient course would be, to pass a Bill, and not a resolution.

LORD PORTMAN. — I certainly concur in the policy of taking measures for the repeal of the Beer Bill; but I feel some difficulty in passing the present resolution, as I am afraid it would act as a restriction on your Lordships' hands, in discussing the Bill which is likely to come from the other House of Parliament. I think that if your Lordships were to agree to the proposal of my Noble and Learned Friend (Lord Brougham), you would preclude yourselves from taking that course which you might be disposed to adopt; and if the question be put to a division, I shall be compelled to vote against it.

EARL DE LAWARR. — With regard to the resolution proposed, I will merely express my opinion that it should be restricted to the question of licensing.

LORD BROUGHAM. — Well; I have not the slightest objection to restrict the resolution in the manner suggested by the Noble Earl, so that it will declare that beer-shops and the houses of licensed victuallers shall be placed on the same footing as regards licensing.

The DUKE of RICHMOND. — The difficulty which I feel is, that the resolution, if adopted, would produce no practical result in the House of Commons; and I think that it would be better for your Lordships to amend any Bill which may come up from the other House, if you deem it absolutely necessary to pass a measure on the subject this Session. I understand that, in the Bill before that House, it is provided that beer-shops in the metropolis shall be rated at 15*l.* — in country districts at 5*l.* — and in country towns at 10*l.* Now, I would suggest that a compromise should be made with the Commons on this subject, and that in the metropolis, where there is an efficient police, the beer-shops should not be touched, but that in country towns they should be rated at 15*l.*, and in country districts at 10*l.*

The House then divided, when there appeared —

For the resolution . .	41
Against it . . .	34
Majority in favour of it .	7

BEER ACT IN PART REPEAL BILL.

The DUKE of WELLINGTON. — I

think your Lordships would stand on better ground, if the resolution just passed were embodied in the Beer Bill now before the House. It would be a more decorous and proper way of showing the feeling of your Lordships on the beer trade.

LORD BROUGHAM.—There is some difficulty in proceeding with this Bill to-night, as it is not in the Orders of the Day. I quite agree with the Noble Duke, that the proper course to pursue will be, to move that this resolution be embodied in the Bill on the third reading; because, even if it be not sent down to the House of Commons, it will show your Lordships' mode of working out the resolution.

The committee (on the recommitment) was then ordered to be taken on Thursday next; and the Lords summoned.

BILLS OF EXCHANGE BILL (No. 2.).

In moving the second reading of this Bill,—

The MARQUESS of LANSDOWNE said:—The object of this Bill is, to carry into effect certain provisions which your Lordships have suggested in dealing with the general question of the Usury Laws on a former occasion. I will only, now, move the second reading *pro formâ*, with the understanding that the discussion shall be taken in the committee.

LORD ASHBURTON.—The Bill now before your Lordships differs widely, in its provisions, from the Act that has been already sent up from the Lower House, and thrown out. When the discussion on it is taken, I shall certainly offer my opposition to some of its details.

LORD ELLENBOROUGH.—I hope that, if the Noble Marquess has any amendments to propose to this Bill, he will take care to have them ready at the time the Bill is committed, in order that the discussion may be taken as early as possible. The Bill is most carelessly drawn; and I do wish that the Noble Marquess would get some one else to draw his Bills, or would be more particular in looking over them, himself. In this measure, in some instances, the same matter is expressed in different places by different words. I think that the same words should always be employed in such cases; for, wherever there is a variety of expression, it is commonly thought that a variety of meaning is intended.

The MARQUESS of LANSDOWNE.—No Bill of mine was ever sent up from the Lower House; and, certainly, if I have any amendments to make, I shall well consider how they are worded.

The Bill was then read a second time.

POSTAGE.

The DUKE of RICHMOND, LORD ASHBURTON, and LORD BROUGHAM presented petitions for reduction of the rate of,—of magistrates and town council of Newburgh: of members of the Belgrave Literary and Scientific Institution, Sloane Street, Chelsea: of proprietors and members of the Russell Institution: of members of the Mutual Improvement Society, assembling in the Old Meeting School-rooms, Birmingham: of members of the Belfast Tee-total Society: of persons employed in the establishment of Messrs. Braithwaite and Co., engineers, New Road, Fitzroy Square; Messrs. Brundrett, Randall, Simmons, and Co., solicitors, Temple; and W. D. Owen, 43, Great Coram Street, Brunswick Square: and of inhabitants of the ward of Saint Peter's, Birmingham; Bangor; Plymouth; Shipley; Tarbolton; Dursley; and Marlborough.

On presenting several of the above petitions,—

LORD BROUGHAM said:—On a former occasion, I understood my Noble Friend at the head of her Majesty's Government to state, that a measure relative to penny postage would be brought forward so soon, and as far, as, the state of the revenue would permit. I wish, therefore, to know whether the revenue is to be kept up by some other financial means? or whether this measure is only to be brought forward when a flourishing state of the revenue will permit of that being done.

VISCOUNT MELBOURNE.—A measure will be brought forward on this subject immediately, on the understanding that any defalcation in the revenue which the proposed plan may occasion, is to be made up.

LORD ELLENBOROUGH.—I should be glad to know in what way any deficiency of taxation to the amount of 1,000,000*l.* a-year can possibly be supplied, except by the imposition of some tax which will press with infinitely more severity upon the labouring classes than the present rates of postage?

VISCOUNT MELBOURNE. — That is a question which I cannot answer at present.

LORD BROUGHAM. — I never denied that there must be a considerable deficiency in the amount returned to the Post Office during the first year after the adoption of the new plan, — probably 800,000*l.* or 900,000*l.*; but I am confident that that evil will not continue long.

The EARL of WICKLOW. — I cannot avoid expressing my opinion that, unless the tax which it is intended to impose to make up the deficiency be specified when the new plan is proposed, it will be a perfect farce to think of *calling* upon Parliament to adopt the new system.

Read, and ordered to lie on the table.

CHURCH DISCIPLINE.

Order of the Day for receiving the Report of the amendments, and the Lords summoned, read; amendments reported accordingly; Bill to be ingrossed; and to be read a third time on Monday, the 22d instant; and the Lords summoned.

CANADA.

On the motion of LORD ELLENBOROUGH, an Address ordered for — Return of the net revenue and expenditure of the province of Lower Canada, from the year 1835 to the year 1838, both inclusive; showing the expenditure in each year for the support of the Civil Government, and for the administration of justice, the expenses of the Legislature and other expenses under appropriations of the Legislature for general purposes, as well as the appropriations made by the Governor and Council under the Act of the 1st and 2d Victoria, c. 9.; distinguishing the several heads of expenditure in each year: Likewise,

Return of the sums arising out of the revenue of Lower Canada, which remain in the hands of the Receiver General, or of any other officer, on account of the Government thereof, on the 1st of January, 1839.

SCOTCH CHURCH.

Petitions for the further endowment of, — of the minister, elders, and congregation of the Tolbooth church, Edinburgh; and of inhabitants of the parish and members of the congregation of Lady Yester's chapel, Houndwood. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against, — of clergy of the diocese of Peterborough. — Read, and ordered to lie on the table.

PRISONS.

Petition against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of inhabitants of Hertingfordbury. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition against the plan recommended by the Privy Council, — of inhabitants of Bourn. — Read, and ordered to lie on the table.

LAW OF SETTLEMENT.

Petition for alteration of, — of guardians of the Yeovil union. — Read, and ordered to lie on the table.

PRISONS (IRELAND).

Petition for the better regulation of, — of inhabitants of Waterford. — Read, and ordered to lie on the table.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of the ministers and elders of the Synod of Lothian and Tweeddale. — Read, and ordered to lie on the table.

ELECTION PETITIONS TRIAL BILL.

Second reading (which stands appointed for Tuesday next) put off to Friday next; and the Lords summoned.

PAPERS.

Annual Account of the Pilots' Fund of the Corporation of Trinity House of

Deptford Strond, for the year 1838.—Delivered (pursuant to Act), and ordered to lie on the table.

Copies or extracts of correspondence relative to the affairs of Canada.—Delivered (by command), and to be printed.

Third Annual Report of the Colonisation Commissioners for South Australia to her Majesty's Principal Secretary of State for the Colonies; 1838.—Delivered (pursuant to Act), and to be printed.

Copies of all medical certificates received by the Lord Lieutenant or Chief Secretary of Ireland with respect to the inability, from ill health, old age, or infirmity, to travel, of prisoners under sentence of transportation from Ireland, in the years 1835, 1836, 1837, and 1838: And, also,

Return of the names of all convicts under sentence or rule of transportation, who have been discharged from the prisons or from the hulks or transports in any of the ports of Ireland, since the 1st of May, 1835; distinguishing the offences of which they have been respectively convicted, the place of trial, the sentence pronounced or recorded upon them, and whether any and what commutation or remission of the original sentence, or any part thereof, had previously been granted; stating, also, the grounds and date of the discharge and the nature of the authority under which such convicts were respectively discharged, and the date or time thereof:

Delivered (pursuant to order of the 6th of June last), and referred to the Select Committee on the State of Ireland in respect of Crime.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Wirksworth Small Debts Bill; Belper Small Debts Bill; Hatfield (York) Small Debts Bill. — Reports from Select Committee appointed to inspect Lords' Journals, severally brought up, and read. — To lie on the table.

Reports, in the following cases, from the Select Committee on Petitions for Private Bills, read; Bills ordered to be brought in as follows, and leave given to present them forthwith: —

Wirksworth Small Debts (No. 2.), — (19th of February) By Mr. WILLIAM EVANS and Mr. HURT.

Belper Small Debts (No. 2.), — (19th of February) By Mr. WILLIAM EVANS and Mr. HURT.

Hatfield (York) Small Debts (No. 2.), — (5th of March) By LORD VISCOUNT MORPETH and SIR GEORGE STRICKLAND.

The following Bills "for the more easy and speedy Recovery of Small Debts" within the places specified, were severally presented, and read a first time; to be read a second time: —

Eckington Small Debts (No. 2.) Bill, — "Within the Parish of Eckington, and other Places in the County of Derby."

Grantham Small Debts (No. 2.) Bill, — "Within the Town or Borough of Grantham, in the County of Lincoln, and other Place in the Counties of Lincoln and Leicester."

Rochdale Small Debts (No. 3.) Bill, — "Within the Town of Rochdale, and other Places, in the County Palatine of Lancaster."

Oldham Small Debts (No. 2.) Bill, — "Within the Parishes of Prestwich cum Oldham and Middleton, in the County of Lancaster."

Warrington Small Debts (No. 2.) Bill, — "Within the Town of Warrington, and several other Places adjacent thereto, in the Counties of Lancaster and Chester."

Nottingham and Mansfield Small Debts (No. 2.) Bill, — "Within the Town and County of the Town of Nottingham, and other Places therein mentioned, in the Counties of Nottingham and Derby."

Aberford, &c. Small Debts (No. 2.) Bill, — "Within the Town of Aberford, and other Places in the West Riding of the County of York, and Ainsty of the City of York."

Rotherham Small Debts (No. 2.) Bill, — "Within the Town of Rotherham, and other Places, in the West Riding of the County of York."

Newark Small Debts (No. 2.) Bill, — Within the Borough of Newark, and other Places in the Counties of Nottingham and Lincoln."

Wirksworth Small Debts (No. 2.) Bill, — "Within the Parish of Wirksworth, and other Parishes and Places adjacent or near thereto, in the several Counties of Derby and Stafford."

Glossop Small Debts (No. 2.) Bill, — "Within the Town and Manor of Glossop, and other Places in the Parish of Glossop, in the County of Derby."

Belper Small Debts (No. 2.) Bill, — "Within the Town of Belper, and several other Places, in the county of Derby."

Hatfield (York) Small Debts (No. 2.) Bill, — "Within the Manor of Hatfield, and other Places in the West Riding of the County of York."

Chesterfield Small Debts (No. 2.) Bill, — "Within the Borough and Parish of Chesterfield, and other Parishes and Places adjacent or near thereto, in the County of Derby."

Bury (Lancaster) Small Debts Bill. — Order (10th of June) for committing the Bill, read, and discharged; Bill withdrawn.

Bury (Lancaster) Small Debts. — Report from Select Committee on Petitions for Private Bills (19th February), read; Bill ordered to be brought in by Mr.

RICHARD WALKER and Mr. WILSON PATTEN: leave given to present the Bill on or before Wednesday next.

Count de Saint George's Naturalisation Bill; Marshall's Estate Bill.—Reported, without amendment; read a third time, and passed.

Filtration Company Bill. — Lords' amendments agreed to.

London City Police Bill. — Further proceeding on third reading deferred till Monday next.

RATHKEALE (LIMERICK) INCLOSURE BILL.

Mr. W. S. O'BRIEN. — I now move that this Bill be read a third time.

On the question being put, —

Mr. MORE O'FERRALL said: — Sir, upon the ground that the Bill proposes to appropriate the rates which it proposes to charge, to other purposes than the support of the poor, I beg leave to move that it be read a third time this day three months.

Mr. FOX MAULE. — I second the amendment.

Mr. W. S. O'BRIEN. — The objection of the Honourable Member for Kildare applies only to one clause of the Bill, and not to the Bill generally. I think it is rather unjust, therefore, towards the parties who have been at the expense of promoting the Bill, to oppose it, at this, its last stage, upon such trifling grounds. The charge to be imposed on these rates will be exceedingly small. In fact, the Bill itself is very insignificant; and, upon consideration, I hope the Honourable Member will not persist in his opposition.

Mr. O'CONNELL. — I feel an interest in this Bill. Those commons have been made use of by the houseless peasantry, who have built themselves a kind of shelter on the skirts of them. The neighbouring gentry have commenced war against those persons, and have driven them from these commons. Now, the great insurrectionary movement which took place in Ireland, in 1822, was commenced in that way, — by the turning away of persons who had possessed themselves of bits of waste ground, by a strong hand, and sometimes by process of law. By this Bill, provision is made, that whoever has been in possession for five years, shall not be disturbed, but shall have his possession secured to him for the future. The consequence of passing this Bill, therefore, will be, to furnish one additional ingredient towards the pacification of the country. It would be better to recommit the Bill, if necessary, than throw out so meritorious a measure on the third reading.

SIR J. GRAHAM. — I have great doubts whether it is expedient to appropriate the poor rates in the manner proposed by the Bill, or to any other purposes than to the proper relief of the poor. I would recommend the Honourable Member for Limerick to postpone the third reading till to-morrow, and the Honourable Member for Kildare now to give notice that he will, then, move the omission of the clause to which he objects.

SIR R. INGLIS. — I must say that I agree with the Honourable Member for Dublin, as to the probable effect of this Bill; and that being the case, I do not see any reasonable objection to the mode proposed, of defraying the expense to be incurred under it.

Mr. W. S. O'BRIEN. — I have no objection to adopt the suggestion of the Right Honourable Baronet opposite, and postpone the third reading of the Bill to Monday.

Amendment and motion, by leave, withdrawn; Bill to be read a third time on Monday next.

PUBLIC BUSINESS.

CARLOW ELECTION.

The Clerk of the Crown, attending, according to order, amended the return for the borough of Carlow.

NEW MEMBER SWORN.

THOMAS GISBORNE, Esquire, the younger, for Carlow borough.

PAPERS.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

Pilotage.—Account of the Pilots' Fund of the Corporation of Trinity House of Deptford Strond, for the year ending the 31st of December, 1838 (by Act).

East India Company. — Accounts of moneys supplied from the revenues of India, towards payment of expenses in England chargeable on those revenues (ordered the 24th of June).

Militia. — Return of the names of the colonels and other officers of the regiments of militia in England and Wales (ordered 2d of May).

Canada. — Copies of despatches from Sir George Arthur and Lord Glenelg, relating to the financial state of the province of Upper Canada (Address 14th of June). — To be printed.

Lower Canada. — Returns of revenues received in Lower Canada, in each of the years 1833 to 1838, in respect of casual and territorial revenue duties and licences, and of the public expenditure of the province of Lower Canada, in the years 1833 to 1838 (ordered 15th and 20th of February).

Houses of Parliament. — On the motion of COLONEL WOOD, — Copy ordered —

Of the Report of the Commissioners appointed to visit the quarries, and to inquire into the qualities of the stone to be used in building the new Houses of Parliament.

Fresh Fruit Trade Committee.—Power to report opinion, with minutes of evidence; Report brought up, and read accordingly; to lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

County Courts Bill.—The House being informed that one of the sheriffs of the city of London attended at the door; —

And a Member present having acquainted the House that Mr. Sheriff Wood, the other sheriff, was absent in Ireland, on indispensable business; —

Ordered, "That Mr. Sheriff Johnson be now called in;" and he was called in accordingly, and presented to the House a petition of the Corporation of London against the County Courts Bill. — To lie on the table.

Postage, — By Mr. WALLACE, Mr. HAWES, Mr. E. ELLICE, SIR B. HALL, Mr. MARSLAND, Mr. HUME, Mr. E. BULLER, and other Honourable Members, for a low and uniform rate, — from Lambeth; Kirkcudbright; Maybole; Marylebone; Cannon Street, London; William Bestow and others; printing office, Kennington Lane, Lambeth; Westminster; Limehouse; Stockport; members of the Northern Literary Club; Deal; Durham; subscribers to the Jamaica Coffee House, London; Honiton; subscribers to the European Coffee House, London; Samuel Jones and others; Stockland; subscribers to Jack's Coffee House, London; 29. Cheapside; Newark; Hailsham; Dublin; Sunderland; members of the City of London Literary and Scientific Institution; members of the London Mechanics' Institution; Newcastle under Lyme; members of the Saint Pancras Literary and Scientific Institution; Swansea; Warwick; Helston; Kensington; 9. Crane Court, Fleet Street; and Aldersgate Street and other places.

By LORD SANDON, SIR C. WOOD, Mr. PATTISON, Mr. SLANEY, and other Honourable Members, in favour of proposed measure, — from Corporation of London; Old Aberdeen (two petitions); Exeter (three petitions); Pollokshaws; Greenock (two petitions); Peebles; Aberdeen (two petitions); Kettle; Plymouth; Richmond (York); Liverpool (five petitions); Auchtermuchty (two petitions); Northampton; Anstruther Easter; St. Mawes; Convention of Royal Burghs of Scotland; Ayr; Russell Mill and Hospital Mill; Nottingham; Conway; Shrewsbury; Paisley; Carlisle; Kirkcaldy; Ceres; London; Manchester (four petitions); Dingwall (two petitions); Dumfries; and Edinburgh.

By Mr. GROTE, against any measure requiring stamped letter paper or envelopes, — from paper manufacturers and stationers of the United Kingdom; Evesham; and Gloucester.

Maynooth College, — From Magherally, against further grant.

NEW SOUTH WALES.

Bill, "to continue and amend an Act of the ninth Year of King George the Fourth, 'to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto,'" presented, and read a first time; to be read a second time on Thursday next, and to be printed.

NEWFOUNDLAND.

On moving for an Address for—"Copy of any Addresses received at the Colonial Office from the Legislative Council or Assembly of Newfoundland, or from public bodies or individuals in that colony, relative to the state of affairs there," —

Mr. GLADSTONE said: — I wish to ask the Under Secretary for the Colonies whether her Majesty's Government intend to forward, or have already forwarded, instructions to the Governor of Newfoundland to institute a full inquiry into the complaints of the inhabitants of that colony against the House of Assembly, which have given rise to so much anxiety?

Mr. LABOUCHERE. — Instructions have been already transmitted to the Governor of Newfoundland to make a proper investigation, and to report upon the state and general condition of the colony.

Mr. O'CONNELL. — I think it would be much better that some proper persons should be sent out to make inquiry into this matter, as there is much calumny connected with it.

[Cries of "Order!"]

Then I beg to ask whether it is the intention of Government to send over some disinterested person or persons, to investigate, upon the spot, all the facts alleged in the memorial, and the statement in reply to it?

Mr. LABOUCHERE. — Until the Government shall receive the General Report of the Governor on the condition of the colony, they will not be able to state what further steps, or whether any further steps, will be taken on the subject. Very grave accusations have been made in the memorial; but I shall express no opinion on them.

PUBLIC BUSINESS.

COLONEL WOOD. — I wish to ask the Noble Lord whether he intends to proceed with the Collection of Rates Bill this Session?

LORD JOHN RUSSELL. — I mean to ask the House to allow the Bill to be read a second time on Thursday, with a view to its being committed *pro formâ*; when I shall bring forward extensive alterations, more particularly on the first clause, — as I understand there is a system going on at Lambeth that will have the effect of utterly overturning the principles of the Poor Law Amendment Act.

COLONEL WOOD. — I trust the Noble Lord will afford the House a fair opportunity of discussing the Bill?

LORD JOHN RUSSELL. — When the amendments which I intend to introduce shall be printed, the measure will be open to due discussion.

PUBLIC WORKS IN IRELAND.

Mr. ELLIS. — I beg to inquire of the Noble Lord the Secretary for Ireland, when those Returns for which I moved on the 13th of March, relating to the expenditure of money on public works in Ireland, are likely to be laid on the table? I hope the Noble Lord will excuse my anxiety for the production of those Returns, because they are, in some measure, connected with the Shannon Navigation Bill, and other public works in Ireland.

LORD VISCOUNT MORPETH. — The preparation of these Returns rests with the Treasury, and not with my department. However, I have made inquiry, and find that a portion of these Returns have arrived in this country; and, on looking at them, I am not surprised at any delay in transmitting them, but, rather, that so much has been done. I have never seen Returns requiring so much labour and research, extending over a period of thirty-nine years; and the Vice-Treasurer has written to say that the labour has been so great, they have been obliged to employ extra clerks, and, also, that the expenses of their preparation will be extremely heavy.

UNIVERSAL SUFFRAGE, &c.

Petition (National) (presented the 14th of June) read.

Mr. T. ATTWOOD. — Sir, I thank the Noble Lord the Secretary for the Home Department for his kindness and condescension in proposing that the House should suspend, for a moment, the Orders of the Day, in order that I might bring forward my motion; and I thank the House, very sincerely, for acceding to the Noble Lord's suggestion, — and still more, that, on the 14th of June, when it did me the honour to listen to my humble address with patience. I am satisfied that that

confidence and kindness, on the part of the House, will not be lost upon the people of England, or upon the hundreds of thousands of persons who have signed the petition, and of whose upright and honest labours, and of whose interests and wishes, I am now the zealous, the humble, but, I fear, the too feeble advocate. The petition which I had the honour to present on the 14th of June, I then read to a certain extent; but I think it my duty to repeat a portion, at least, of what I then stated of it. That great petition, unparalleled in the parliamentary history of England, was occasioned by the long suffering, the wrongs and injuries, not only of the working classes, but of the industrious classes, generally, — the merchants, the manufacturers, the tradesmen, the farmers, and the labourers. It has been my fate to be personally connected with these proceedings, and I do not hesitate to state that this petition had, from its commencement, my humble but cordial support. For the last twenty years, my rooted opinion and conviction has been, that the people — the commons of England I will call them — have not had common justice or common humanity extended to them. The people of the town of Birmingham have presented petitions to this House, year after year: those petitions have been disregarded; and, by some strange fatality, this House have refused to believe the representations which have been made by the honest mechanics and tradesmen of Birmingham, and have adopted, in place of them, those of lawyers, of gentlemen of rank and station, and of the public press. The House has, I repeat, refused to listen to the petitions presented in 1816, in 1819, and, again, in 1825, by the industrious classes, complaining of grievances — of bitter and of unregarded distress. The Members of this House are in the midst of comforts, and far removed from the wants, the stern necessities, and miseries, which affect the industrious classes; they can have no idea of them; and therefore have attributed the complaints of that class of the community to some excitement, factious delusion, or agitation; and, although these masses of the commons of England have informed the House, again and again, of their miseries, and the impossibility of living by their honest labours, yet the House has turned a deaf ear to their prayers. No man regrets this more than I do; for I am sure, if the House had opened its eyes and ears, and had softened its heart to the miseries of the people during the last twenty years, — instead of being the most miserable and discontented people on the face of the earth, they would have been the happiest and most contented that ever existed in the history of mankind; and I am sure that that happiness and contentment might have been secured without doing an injustice to one human being. This being the position in which the industrious classes have been kept for so many years, Honourable Members cannot be surprised that discontent should have been the consequence. This petition is signed by 1,285,000 of the industrious classes: it complains of bitter distress and unregarded sufferings, and the withholding or denial of those rights and privileges which they say they have a right to claim from their representatives. I should be very sorry, if, in bringing forward these claims, I were tempted to use language unbecoming a gentleman and a patriot. Other Honourable Members have an equal right with myself to mention their own views; and nothing is further from my heart, — speaking, as I do, before men as well disposed as myself to do justice, — than to say anything at all of an offensive character: but I persevere in declaring my conviction that this House, with the best intentions, has not, for the last twenty or twenty-two years, used its best efforts for ameliorating the condition of the industrious classes. In the year 1829, the agitation first commenced. When my honest and hardworking neighbours applied to me, I felt reluctant to embark in extreme measures, and wished first to endeavour to extract good from the ancient constitution of the country; and I accordingly said, "Wait; let us try if the ancient constitution will not produce fruit upon which the people can exist; let us try if that tree will not yet give shelter and protection to a distracted and unhappy people." Thus, before agitation proceeded, that trial was made; but, unhappily for this House, — unhappily for the people, — and unhappily for future ages, — the prayers of those people were disregarded, though they only demanded that the means of the industrious classes should be lifted up to the level of their burdens, or that their burdens should be cut down to the level of their means. That prayer was treated with slight; — they were told, "You are an idle set; get away home; you are better off than you deserve to be." Such was the insult that tens of thousands of my neighbours received in the year 1829, and then it was that the Political Union was formed; and, through the favour of Providence, and the virtue of the House of Commons, it succeeded in carrying the Reform Bill.

But what fruit did the people get from the Reform Bill? Why, the first fruit was the Irish Coercion Bill; and the next, a measure which I will not name or describe, but which is more odious to the feelings of the workmen and labourers of this country than any measure that ever passed — I mean the Poor Law Act. Such were the fruits of the Reform Bill! I will not describe the fruits of the Municipal Reform Act, further than to say that it has disappointed my expectation. I know of no other remedy for the existing state of things, than a further reform; and I state, with these 1,200,000 petitioners, my rooted conviction that there will be no security, either to the Lords or the Crown, unless some further great and extensive changes take place. In 1829, then, they commenced political agitation, and continued it until 1832, when they ceased; and the House will remember that the town of Birmingham had a considerable influence in exciting the public mind throughout Europe in 1830, 1831, and 1832; but no sooner had the Reform Bill passed, than the agitation —

——— sunk to rest,
Like the hush'd infant at the mother's breast.

Nor did they seek further reform; they waited until after three reformed Parliaments had successively met, — each of which, however, closed the gates of hope on the people. My honest neighbours waited until 1837; when they called again upon me, as an ancient, zealous, and sincere friend, to assist them in obtaining further measures of reform. I have been at all times unwilling to push myself into a situation of notoriety, — I feel that my habits, disposition, and abilities do not fit me for it; — but I could not refuse to listen to their wishes, and to unite with them in every legal and just manner to obtain further reforms. At that time, all parties in Birmingham — Whigs, Radicals, and Tories — came to me, and said it would be well to give Lord Melbourne's Administration a trial. I admired Lord Melbourne for his manly bearing; and, trusting to his character, we suspended — nay, virtually abandoned — all agitation for one year, during which my honest friends came, in no less than three deputations, to the Noble Lord, and demanded that the people should have the means of living by their labour. They pointed out to him the measures and the means by which contentment could be secured, without hurting the hair of the head of any individual. The Noble Lord told them that the people of Birmingham were not the people of England; but I stated I would prove that the feelings of the masses were identical. Though I urged my favourite remedy, — the alteration of the currency, — yet I cared not how or by what measures the people were relieved; and whether that relief were afforded by the Right Honourable Baronet the Member for Tamworth, or by the Noble Lord the Member for Stroud, I should feel just as much gratification as if it were effected by any measures of my own. I pointed out to Lord Melbourne, and also to the Chancellor of the Exchequer, the means which would give prosperity and contentment to the country, under the shelter of the present constitution, without further changes; but Lord Melbourne reminded me that my favourite remedy — namely, the rectification of the standard value — had been frequently brought before the House of Commons, not only by me, but by men of much greater eminence and importance, and that the House of Commons had shown an unwillingness to attend to it. I then told the Noble Lord that we would change the House of Commons; and so, in 1837, I went home to my honest friends, to tell them the result of this last effort to make the ancient constitution of the country give shelter and protection to the people. I told them not to endeavour to touch the ancient fabric of the constitution, — not to touch the great principle of Crown, Lords, and Commons, but to attempt to gain the liberties their fathers had enjoyed; and I doubted not that they would ultimately obtain that justice and protection which the Government of the day had denied them.

This is the short history of the origin of the great petition to which I now direct the attention of the House. In the winter of 1837, my friends came round me again, as they had done in 1829. I said to them, that I knew they had virtue, intellect, and knowledge, — but that I did not know whether the people of England were with them, and that I would go to another part of the country, and see if other men thought with them. Accordingly, I went, last year, to the meeting at Glasgow, — the first political meeting I ever attended out of Birmingham. I have never been an agitator, — I have never been a man wishing to excite or to push on the public mind beyond the extent which justice requires; — but when I witnessed the enthusiasm of Glasgow, I said, — "Now we have proof that we, of Birmingham, are not alone; and we have a right, by every legal and peaceable means, to demand from the Parliament of England all the rights and liberties which our

fathers possessed." I, however, did not tell my friends that the change sought for would give them prosperity, for that errors might be committed by a House of Commons differently constituted, in like manner as they had been by the existing House. I know that a House of Commons created by universal suffrage might go to different extremes; but, after watching the state of the country with more attention and more labour than most Honourable Members, I must say that I believe there are no dangers and no miseries that the people of England ought not to endure, in preference to submitting to the cruel and murderous operation which has pressed for twenty years together on the industry, honour, and security of the country. If they are to sit down patiently and submit to the fluctuations consequent on the monetary state of the country, — to those "hot and cold fits," as they were called the other night, — then the surest remedy that humanity can devise ought to be adopted, to prevent the degradation of Englishmen at home, and the danger of England abroad. This being my feeling, I trust Honourable Members will excuse any warmth of language I may make use of. I have, however, never uttered any sentiment derogatory to the House of Lords, — derogatory to the church, to the aristocracy, or to the gentry of the country. All I claim is, the right of the people to live by their labour. That right is, at present, denied to the 1,200,000 persons I represent on this occasion, by those fluctuations which have given short seasons of doubtful prosperity, and long seasons of real and severe distress. These persons say that their hopes are broken down by long-continued disappointments, — that, in seeking and inquiring into the causes of the national misery, they can find no cause in Nature or Providence. They say that the Almighty has been kind and beneficent to England above all other nations of the earth, — that He has given her a heroic people, the most industrious, intellectual, and talented on the earth, — that He has given her a fine soil, a good climate, and all the advantages of navigable rivers and ready harbours, — and yet, they say, that they endure every misery of which they complain, after a season of twenty-two years of profound peace. They therefore ask the right of living by their labour; and, if that should be refused them, they demand the ancient rights and liberties enjoyed by their fathers, in order to try whether they cannot make the legislative power work to just and rightful purposes in a just and rightful way. I have already said that the petition is signed by 1,200,000 persons: there may be attached to it the signatures of some women and minors; but I believe that 1,000,000 men have signed it with their own hands. It is, therefore, signed by the *élite* of the working classes, — men capable of writing, — and not by vagabonds and thieves, or disreputable characters, which, by the way, it is the fashion to call men who attempt to alter the laws. A million of such men make these complaints, and show that there is something wrong in legislation; for it cannot be supposed that 1,000,000 of men, — that is to say, about one fifth of the male adult population of England, — who are able to write, would put their names to a wilful and notorious lie. But I trust the House will not treat this petition as the petition of the workmen, only; because I believe that the whole of the middle classes are with the petitioners. In alluding to the middle classes, I do not refer to men with small fortunes, to small fundholders, or those who have retired from trade; but I mean the productive classes, — the merchants, the farmers, the traders, and the manufacturers. The fact cannot be disputed, that no positive distress in trade or agriculture ever reaches the labouring artisan or agriculturist, which does not, also, reach the employer. If, therefore, I show that 1,000,000 labourers are distressed, may it not with truth be said that their employers are also distressed?

There is, no doubt, some property left in England; but, generally speaking, the merchant and the manufacturer are as discontented as the workmen. I repeat it, the merchants and manufacturers are as discontented as the workmen; the merchant, indeed, dares not to confess his situation. So long as the merchant has his last 10,000*l*., pride makes him bold; when it is gone, despair makes him bold; and hence it is all boasting and delusion, — a "whited sepulchre" outside, all apparently prosperous and happy, — but, within, a charnel house of care, anxiety, misery, and despair. The merchants or manufacturers of England, if this question were put to them strictly, would answer, rightly — "Why, we don't complain. Men without capital certainly are in bad condition, but men with capital can do pretty well; profits are not so large as we wish, but still we can go on." But let the House reflect on this case: — Six months ago, a bank at Liverpool revealed its affairs, and had on its books two bad debts, with two houses, to the amount of 800,000*l*. Now, if those two houses had been asked, before this disclosure, they dared not to have complained, — they dared not to have said trade was bad, — for, if they had, they would have been asked, "Where, then

does all this enormous wealth come from — these immense factories — these new houses?" And if the simple truth had been announced, in reply, they would have been ruined *instanter*. The Noble Lord the Member for Lancashire put just such a question as this, the other night, and he took outward appearances for realities; but if the two houses I have alluded to, on being questioned, had told the truth, bankruptcy would have come on them. How little, then, can professions of merchants and manufacturers be depended on, whose distress is really as great as their workmen's? I have been bred up in scenes so calamitous: hence I have directed my attention to the subject; and I do not scruple to assert, as I before stated, that the masters suffer more than their men. There is a great deal said about profit-mongers drinking the blood of the labourers; but I affirm that every merchant and manufacturer must be more than half ruined before he can meet the wages of the labourers. Only let the House think on the state of the manufacturers. It is not long since we were told, on very doubtful authority, that not one manufacturer in four was in a solvent condition, if he sold off. Whenever the profits of the manufacturer cease, his capital begins to be swallowed up, and ruin soon follows. If a man have a factory which cost 20,000*l*., and wishes to dispose of it, he will not get more than 2000*l*. for it; because the purchaser, on being shown that there is no profits, will decline, except the property be offered for almost nothing.

The first demand these petitioners make is for universal suffrage, which was the ancient privilege of their forefathers, so far back as the time of the Anglo-Saxons; and I believe, that, if it were granted, there would be a more generous regard felt, here, for the condition of the working classes, than there exists at present. I am sure that, when this privilege is granted to the industrious classes, they, then, will be equally anxious to defend the privileges of the Crown and of the aristocracy, as they would their own rights. The next demand is for annual Parliaments. I am not quite so clear on this subject as on the former; but by the Act of Settlement under which the Queen holds her crown, — and I trust that she will long hold it, — it is declared that triennial Parliaments are the right of the people; but this privilege has been infringed, — and I now claim it for my constituents. Then, again, they demand vote by ballot. By the Act I have just referred to, freedom of election is guaranteed; and wherever the constitution gives a right, there should be the means of exercising that right; and therefore I contend that the Ballot is a constitutional right, as my constituents declare it to be the only measure that will give them freedom of election. They also demand that Members of Parliament should be paid; as they are convinced that they cannot get the efficient men they require into Parliament unless this principle be established. They think that the Commons should be the Commons, and that the House of Commons should be elected from that class; that this House should not be composed of Tory Lords on one side, and Whig Lords on the other, — but should really be what it purports to be — the House of the Commons of England. They think that the wolves, — to use a well-known figure, — cannot legislate properly for the sheep; that hawks are not the most fitting representatives of pigeons; that the rich cannot properly represent the feelings, the wants, the miseries of the poor. The 300*l*. a-year which the House looks upon as an indispensable qualification for each of its Members, the petitioners rather consider as a disqualification, as it enables a man to go to Canada, or Kamschatka, or Switzerland, or anywhere else he pleases, and to neglect his constituents in England. They feel that the estate of an honest man is his bread; and they think that the poor man who gains his daily bread by his daily labour, has in reality a greater stake in the country than the Duke of Northumberland. That is my conviction, and the conviction of the 1,200,000 men who have signed that petition. I hope, therefore, that the House will consider the petition, — being sure that such consideration will not be thrown away, but is most necessary in an assemblage whose duty it is to legislate for the people of England. I do hope that the House will consider the circumstances under which the petitioners address them, suffering, as they have suffered, under twenty years' miseries and vicissitudes. They call for universal suffrage, only because they have found the 10*l*. suffrage a total failure — because they have found the fruit which seemed so fair to the eye, dirt and ashes on the lips; and I trust that the House will say that these petitioners are entitled to a large and liberal concession. I have, myself, never encouraged the people to resort to physical force, or uttered any sentiment unworthy of a Christian or a patriot; I have always told them, that if they persevered in seeking just and righteous ends by just and righteous means, they would eventually attain their object. But I never counselled the language of violence or insolence, — and I

greatly regret to have heard of anything of the sort. I told the men of Birmingham, six months ago, that no one could do them or the people at large a worse service than the urging them to violence, and to a recourse to arms; and I believe that the feeling of the great body of the people of England is with me on this subject. I fully believe that the mass of the people of England, though discontented, are not disaffected; that though they are most miserable, and desirous of great changes, yet that they are not desirous of any changes hostile to the institutions of the country — to the just rights of the aristocracy, or the useful and proper privileges of the Crown. But they are determined to have a change. Of this let the House be certain, that the agitation and excitement of the suffering people of this country will never subside, until liberal concessions be made to their most just demands. They have, for years past, had, alternately, short periods of doubtful prosperity, and long periods of unequivocal adversity; and they feel that they have no security against the return of their miseries, unless the House give distinct proofs of its purpose to afford a large measure of liberal concession. If their hands are to be kept trammelled in every possible way, — if their industry is not set free, — if bread is not given them at a fair price, — if, when they beg for labour, their reward is not given them,—the people will not long submit: and when they are once effectually aroused, no army in the world can withstand them. Let the events of the last sixty years in France be a lesson to the aristocracy of this country, not to drive the people to desperation. Arthur Young, who travelled through Burgundy in 1787, saw the gentlemen's houses all burned to the ground, and the owners murdered on their hearths. At a later period, in that country, Charles X. was hunting when the revolution of the *Trois jours* broke out; and when made acquainted with it, said, "it was a mob." But Talleyrand, who rode up, undeceived him, by exclaiming, "Sire, it is not a mob, but a revolution!"

I regard the Crown as the key-stone of the social fabric; but it must be remembered, at the same time, that the Crown of England, as well as that of other countries, rests on public opinion. I trust the House will step in at this eleventh hour, to arrest, by liberality and kindly consideration for the people, the progress of discontent and of anarchy. They may be assured that a social volcano is under their feet. The petitioners, after setting forth their manifold grievances, say to the House that there must be a change, — that there shall be a change; — and I am quite sure that a change, satisfactory to the great body of the people, might be effected without in the slightest degree trenching upon the constitutional principles which regulate the government of this country, — without any infringement upon existing institutions. As to the middling classes, I am certain that, if it came to a question, they would find themselves under the necessity of ranging themselves with the labouring classes. The people of this country will not long endure to have dear food and dear money at the same time; and I believe it is quite in their power to rectify the evils under which they suffer, without crime or a violation of the law. I remember that, when I formed the Birmingham Political Union, I had the precaution to take the opinion of an eminent counsel (Sir C. Wetherell), as to whether or not it was legal to form such a union; and the counsel replied, "that if he were to say it was illegal, he should say what he did not think; but he could not say to the persons about to constitute the Union that it was legal, because he thought they could not carry out their objects without eventually infringing the law;" and the learned gentleman would take no fee on the occasion. Having received this opinion, I took care not to put my feet on the *flamantia mœnia* of the law. I now ask, on the part of my constituents, if you will not give them universal suffrage, what will you give them? Will you give them household suffrage? If you will not give them annual Parliaments, will you give them triennial Parliaments? Will you, in fact, do anything for the prosperity of the people? The people say you have power to repeal the Corn Laws, the Poor Laws, and the Money Laws; and they ask you to remove them. If you do so, you will relieve the misery of the people, and will do no injury to yourselves. The honest workmen say that they have as good a right to a fair remuneration for their labour, as the Queen of England has to her throne. I say, then, that this petition of the men of Birmingham ought not to be disregarded. Something must be done, — and that, speedily. If you will not repeal the Corn Law, and the Money Law, — if you will persist in keeping up the price of bread, and in making the poor man pay for it in sovereigns, — if you annihilate the capital alike of masters and of men, — how can you expect anything but discontent and disturbance? I have now stated to the House my sentiments on the five points contained in the petition. I beg — I earnestly implo-

—the House to give it their best attention. Depend upon it, if the people once break out, the result will be — not riot, but revolution. We should look to the numbers who have signed this petition in each of the principal towns. In Glasgow, alone, the signatures obtained were 60,000. In London, the numbers have been comparatively small.

[Cries of "Hear, hear!"]

But London has always been remarkable for its soporific character, since its great demonstration in favour of the late Queen Caroline. For this reason, it has only given 60,000 out of its 1,500,000. I beg, in conclusion, to move, in pursuance of the notice I have given, "That this House do now resolve itself into a committee of the whole House, for the purpose of taking the petition called the National Petition into consideration."

Mr. JOHN FIELDEN. — I beg leave to second this motion. I do so, because I think we should grant the committee, whether we believe the allegations in the petition to be true or false. But, believing, as I do, many of the allegations contained in it to be strictly true, and that it contains a great deal of important matter, — and further, believing, that if the petition be rejected, the consequences may be dangerous, — I earnestly hope that you will give it your most serious attention.

The SPEAKER having put the question, —

LORD JOHN RUSSELL said: — Mr. Speaker; — there was one part of the speech of the Honourable Member for Birmingham with which I was extremely gratified, at the same time that I was not surprised at hearing such sentiments from him. I mean that part in which he denied all concurrence with those who have recommended the use of arms and physical force, and expressed his own desire to obtain his objects by peaceable means, and his determination to discountenance any attempt to overawe, by force, the laws of the realm. I say, I was not surprised at hearing that sentiment from the Honourable Member for Birmingham, — it being only in accordance with what he has said on various occasions — both with what he has addressed to this House, and, I believe, to meetings elsewhere. At the same time, the Honourable Gentleman must be aware that those who have promoted this petition, — which, I think, he has, with a very undue assumption, called the "National Petition," — that those persons, I say, who have promoted this petition, have been found going through the country, from town to town, and from place to place, exhorting the people, in the most violent and revolutionary language, — language not exceeded in violence and atrocity in the worst times of the French revolution, — to subvert the laws by force of arms. We owe it to the good sense of the people in general, that they have not listened to such exhortations. Unfortunately, a certain number of them have been misled — not into the entertaining of particular opinions, for with their political opinions I am not now quarrelling, but — into the assumption of a menacing attitude towards those who administer the laws, and towards the rest of their fellow subjects who wish to live peaceably, and to conduct themselves according to the laws of the realm. Sir, the Honourable Gentleman has placed the case of this petition chiefly upon questions of political economy, and of the social condition of the people. With respect to the political aspect of the question, — with respect to the general political results of universal suffrage, annual Parliaments, vote by ballot, the want of qualification in candidates for the representation of the people in this House, — the Honourable Gentleman has not, at any length, addressed himself to us. He has confined himself, almost exclusively, in his speech, to the effects which he thinks would be produced by a change in our representation, admitting every male person of full age to the right of electing Members of Parliament. In following that line, I certainly believe that he is expressing the sentiments of a great number of those who have signed this petition: I wish to speak with every respect of those who conscientiously entertain this opinion. I wish to speak with every respect of those who, having had no part in the excitement and attempt to take up arms which I have described, imagine that there would be some more prosperous, some more healthy, some more happy condition of the country, if universal suffrage were established as the law of the realm. But I do conceive that, at the bottom of all these opinions, — at the bottom of the opinions of the Honourable Gentleman, who, in this instance, very fitly represents those views, — there is a most grievous error. The Honourable Gentleman supposes — and in every speech that I have heard him make in this House he has supposed — that if you have a certain distribution of political power, — if you have a certain representation, framed in a certain manner, — if you have a law enacted with certain provisions, — then you can, by your mere will, establish enduring and lasting

prosperity in the whole community. The Honourable Gentleman says, "I wish for universal suffrage, because, if we have not that, there may be a Parliament which will give us prosperity to-day, and adversity to-morrow." Sir, I cannot conceive any form of political government or mode of legislation, by which you can insure to the whole community of a country a perpetual and lasting state of prosperity, — especially if it be a country, moreover, depending very much upon commerce and manufactures, — or that you can prevent that state of low wages, and consequent distress, which at all times affect those who are at the bottom of the scale, — or that you can obviate those alternate fluctuations from prosperity to distress, which occur in every community of the kind. Look at that country which is sometimes held out to us — I think very falsely held out — as the country enjoying, in its political and social state, greater advantages than our own, — I mean the United States of America. There they have universal suffrage. But will any man say that the United States have been altogether free from those fluctuations, or from distress? Enjoying, as they do, advantages which we cannot — having immense tracts of wild fertile land, in which their population, who cannot subsist in towns, may easily find refuge, and a mode of living; — even with these advantages, which we, with our large population pent up in narrow limits, do not possess, is it possible for any man to say that the United States of America have been free from the evils I have mentioned? Look even at the results in that country, of what, according to the views of the Honourable Member for Birmingham, should be additional advantages — an increase in the quantity of money, and of large paper credits. I find in a newspaper of this day an account of a periodical published in America, — a sort of manual on the subject of forgery, — called *The Counterfeit Detector, and Bank Note List*, intended to detect forged money. This publication shows that there are no less than 600 kinds of forged money in that country; many of these forgeries being of bank notes of exceedingly small value. Could there be a greater evil than the existence of such a state of things to the poor and labouring classes? What could be worse than that the labouring man should be exposed to have the whole of his money taken from him by means of such forgeries, arising from over-speculation and undue extension of paper money? Therefore, Sir, it is not by universal suffrage, or by any form of suffrage, or by any particular phase in which you can place the principle of your representation, that you can, as the Honourable Gentleman presumes, obtain laws which shall insure lasting prosperity to the people.

Now, Sir, with respect to the petition itself, — as the Honourable Gentleman has not entered into the larger political theories connected with it, I shall not do so on the present occasion; but I shall make a few observations with respect to the petition, and with respect to the conduct of those who have promoted it. The Honourable Gentleman says there are more than a million of signatures attached to it. I own I am not surprised that a million of signatures have been collected, with the industry which has been employed in the collection in the present case, and the facility that has been afforded both to asking and giving signatures. Major Cartwright at one time obtained, not to one petition, but to a number of petitions, no less than three millions of signatures, asking for universal suffrage. Now, observe how differently this number of a million is treated, according to the side it happens to be at. If it is said that there are a million of persons having a right to elect Members of Parliament, we are told that it is too small a number — too insufficient and contracted a number, — to be entitled to choose representatives. Yet a million of signatures being collected by the means used in getting up that petition, without any examination or sifting, we are asked to consider it as the petition of the people at large, and it is even called, in the motion in your hands, Sir, the "National Petition." Sir, I deny that this petition represents the sentiments and opinions of the people at large. In my opinion, the great majority of the people do not seek the objects contained in this petition. In my belief, the great majority of the people, divided as they are in political opinion, do not think that advantage would result to them from the adoption of those measures; but, on the contrary, would be alarmed at the prospect of the prayer of that petition being granted by the House. I believe that a vote of the House, in concurrence with the Honourable Gentleman, to go into committee, with a view to establish, by enactment, the objects of this petition, would create alarm and dismay throughout the country — not among persons in prosperity, — the aristocracy or the rich alone, — but among the labouring classes, and, indeed, every class in the community. Having stated so much with respect to the number of the petitioners, I shall beg leave, now, to call the attention of the House for a few moments to the statements of fact made in this petition, — statements, I

think, alluded to by the Honourable Member for Birmingham as statements which he considered correct. The petitioners say, —

> We are bowed down under a load of taxes, which, notwithstanding, fall greatly short of the wants of our rulers; our traders are trembling on the verge of bankruptcy; our workmen are starving; capital brings no profit, and labour no remuneration; the home of the artificer is desolate, and the warehouse of the pawnbroker is full; the workhouse is crowded, and the manufactory is deserted.

Sir, I entirely deny that those statements are true. I might appeal — to go no further — to the statement made by my Right Honourable Friend near me, the other night, with respect to savings banks in the country. You find that, comparing the sums lodged in those banks with the sums drawn out during the last year, there is a balance of more than 1,000,000*l.* in favour of the sums invested — those sums, too, being chiefly of small amount. Can such a fact be compatible with the statement that the "warehouse of the pawnbroker is full, and the home of the artificer is desolate?" Do not the savings banks furnish pretty good proof of the number of artificers in this country who are not only receiving adequate wages, but also looking forward to the future support of their families — are adding to the money in the savings banks by small sums out of the produce of their industry, saved by submitting to the privation of everything which could interfere with such accumulations? An instance was quoted at an early period of the Session, — the case of the Savings Bank of Glasgow, a manufacturing town. I myself have seen, lately, an account of a savings bank in the county of Devon; and both the accounts from the manufacturing town and the agricultural county show a great advance in the amount of money in the savings banks, — which is, I think, completely decisive of the want of truth in the descriptions given in this petition. Sir, considering the statements in this petition to be a very gross exaggeration of the state of this country, — a gross exaggeration of the distress which prevails in this country, — I am not about to deny that, at this time, in a country like this, depending, as I have said, so much on commerce, credit, and manufactures, and containing a population drawing their support from those sources, and liable to be affected by manufacturing inventions, which from time to time deprive them of employment, by rendering useless that particular art or skill by which they had previously subsisted, — a country depending upon the force of circumstances, which from time to time so much alter the political aspect of affairs, — I say, I am not about to deny that there are, at this time, as I am afraid there will be at most times, a number of working men, industrious, sober working men, whose means are exceedingly scanty, and whose situation cannot be looked upon without commiseration. I certainly am not about to deny that; while I do deny that the representations in the petition are fair representations of the state of the country; and while I think that, instead of adopting its recommendations, we should look rather to those measures which this House is competent to take from time to time for the relief of the distress which exists, so far as distress can be relieved by legislation. But the Honourable Gentleman the Member for Birmingham, and the Honourable Member for Oldham, who seconded him, seemed to suppose, as they always seem to suppose, that this House is bound to listen to their own particular remedies; and because their own remedies are not listened to, they cry out that the wants of the people are disregarded, — seeing that we refuse to listen, not to the wants of the people, but to what the Honourable Members for Birmingham and Oldham think would be the remedies. I do not deny that they may think their measures would be for the benefit of the people, and that they may think their remedies would establish prosperity; but I deny that, because we do not at once accede to their opinions, without consulting our own judgments as to whether those opinions are sound or not, it is therefore to be taken for granted that we exclude from our consideration what is just, and what would be beneficial to the people.

The Honourable Member for Birmingham has always held that one of the measures — or, indeed, I should rather say the one measure — which can give prosperity to the country, is an alteration in the standard of value, and a great increase in the quantity of paper money. This is the Honourable Gentleman's hope. Looking to a period prior to that at which he considers our errors and misfortunes commenced, twenty-two years ago, — and having seen that, at that period, prosperity prevailed, while a great quantity of paper money existed in the country, — he holds himself to a certain extent justified in believing in the necessary connection of the two, from the experience of those years. But, suppose you have universal suffrage; does the Honourable Member for Birmingham believe that those who have promoted this plan of universal suffrage will agree with him in the opinion which he has expressed? Does the Honourable

Member think that those persons will be for these immense changes in the standard,—for this immense quantity of paper money which he is for issuing at once from the banks, and enabling the people, to be sure, to have a greater amount of wages,—say thirty shillings,—when they can only now receive fifteen or twenty shillings; and, at the same time, paying, just in the same proportion, a double price for their loaf, their meat, and for every other article of consumption? I will read to the Honourable Gentleman what some of the members of what is called the General Convention have signed their names to,—persons calling themselves the leaders of this movement; as, for instance, Mr. Feargus O'Connor, Mr. Lovett, Mr. Collins, Mr. Frost, and many others. What do these persons, professing to be the leaders of this movement, say on this subject?—

Fellow countrymen, you have given abundant proof of your ardent desire for this trial (referring to the matter of discussion), and we are about to test the sincerity and solidity of your zeal. Amongst the number of measures by which you have been enslaved, there is not one more oppressive than the corrupting influence of paper money.

It goes on to say, that the corrupt system of banking and speculation defraud industry; and that the great support of despotism and oppression is—those fraudulent bits of paper which are dignified with the name of money. Supposing the Honourable Member for Birmingham to have a seat—as, no doubt, he would have—as Member for Birmingham, under the system of universal suffrage, and that he were to propose immediately—as, no doubt, he would propose—this *nostrum* to cure all evils,—how would he be surprised, if he were not before acquainted with this paper, to find that what he proposed as a remedy, was considered, by all their leaders, as, in fact, one of the greatest delusions and frauds by which the people had hitherto been oppressed? They go on to say, that this system of dishonesty, which was unknown to our forefathers, is now sapping the moral foundations of the nation. *Non meus hic sermo.* I might spend some minutes in endeavouring to show that the Honourable Member's predictions as to the practical value of paper money is totally unfounded; and that, on the contrary, the issuing of this quantity of paper money, while it would commit a fraud upon every creditor in the country, would be, in fact, one of the means by which the labourers themselves would be deprived of the just reward of their labour. But I need not enter into an argument of that sort; because I see that those persons who have signed their own proclamation, with regard to universal suffrage, are, themselves, much more strongly opposed than any one in this House, perhaps, and use stronger terms, certainly, than I am likely to use, with respect to that which the Honourable Member for Birmingham looks upon as a *panacea* for all our evils, and which has induced him—having, as he has said, no fancy for political changes, having no desire to see the institutions of the country changed—to propose this measure, in order to bring about what he calls a cure; but which those very persons, whose petition he has presented, consider would be an additional and much greater evil pressing on the country. I do, therefore, ask the House not to agree to the proposal of the Honourable Member for Birmingham.

[Cries of "Hear, hear!"]

I conceive that the Honourable Member, and those who think, with him, that the adoption of universal suffrage, or any other plan of suffrage, will place the labouring classes in a state of prosperity, are under a complete delusion. There are only two ways, as far as I can see, by which the position of the labouring classes can be improved. One would be, by an increase of wages,—an increase in the rate of real wages,—a higher reward for labour. Does universal suffrage tend to anything of this kind? Will universal suffrage have this effect? If the country remain in a state of tranquillity, I do not believe that it will have any effect one way or the other; but if there should be such a change in the institutions of the country as should drive away many of those who are the employers of labour,—if it should drive capital from the country,—if it should induce many proprietors no longer to employ the labour of this country,—it would have the effect of increasing the number of labourers, and of diminishing the stock of employment; and therefore, so far from increasing wages, it would diminish wages. The only other mode by which many persons—although I must say that the Honourable Member for Birmingham is not one of them—hold that the condition of the labouring classes can be improved, is, by a general distribution of all the property of the rich amongst the poor and the labouring classes. Upon this, I need not argue. I believe that several persons have been induced to sign this petition by the manner in which several very reckless demagogues throughout the whole coun-

try held out, that the property of the country ought to be divided among the people in general. That is, however, a proposition upon which I need not argue in this House. I am sure that every Member of this House — and I am sure that the great majority of the people — will agree with me, that a scheme of this kind would tend, in fact, not only to the destruction of all our institutions, — not only to the destruction of everything that makes this country valuable, — but that it would, in fact, and before any long time, be a source of ruin to the labouring classes themselves. I know not how, in any other way that can be proposed, the adoption of a plan of this kind can have a tendency to increase the riches of the labouring classes, to raise their means, or to augment their wages. I believe that, in a country like this, generally speaking, political freedom, commercial freedom, and religious freedom, tend to increase the riches of the country, — tend to increase the riches of every class, by, not directly giving them riches, or directly creating property, but, by allowing men to use their own energies in their own way, — by allowing them to put forth their own talents and industry, — and thus leaving open a road to wealth, honour, distinctions; I say that thus, indirectly, but certainly, they do tend to produce and create property. Looking at the more general question, and saying, as I shall say, but a very few words upon that question, my belief is, that, generally speaking, the institutions of this country tend as much to freedom, — tend as much to secure to the people as great a portion of freedom, with, at the same time, as great a portion of security, — as it is, I will not say possible, but, so far as I am acquainted with the facts, as has ever been secured, by any institutions, to the people of any country in the world. I see no instance, at this moment, of any people existing on the face of the globe, who do enjoy these two advantages to a greater extent. I may see greater political liberty in some countries; but is there the same security of person? I say, that the general predominance and supremacy of law are less strong and less fortified in those states than in our own country. In other countries there may be greater power — there may be greater military force — to repress anything like disturbance, or the violation of tranquillity; but, in those countries, there is far less of that freedom to which I have adverted: so that I know not how, by any great change in the institutions of the country, — such as the Honourable Member for Birmingham proposes, — we can at all advance or promote the welfare of the people of this kingdom. I suppose that the Honourable Member for Birmingham will hardly contend that, adopting universal suffrage and annual Parliaments, as this petition proposes to us, the rest of our institutions will remain as they are? I do not suppose that he will pretend that the monarchy, — the hereditary branch of the legislature, — and various other institutions of this country, will remain in the same state? or that there would not be danger to all our other institutions, were we to adopt the large and democratical change which is now proposed? I need not say, after what I have already advanced, that I do not believe that any such change, even if it could be peaceably accomplished, — which no man can expect, — if it could be accomplished in three days from hence, — I do not believe that it would tend to the comfort and the prosperity of any portion of the people — I do not believe that it would tend to the welfare of the majority of those who have signed this petition.

I cannot conclude, without adverting to the means by which those who profess themselves members of the General Convention ask the people to carry their objects into effect. First of all, they state that it is the unanimous request of the Convention that the people should be urged, individually and collectively, to withdraw their money from the savings banks, as well as all other banks. Secondly, that they should convert all their paper money into gold; that they should abstain from the use of all exciseable articles; that they should adopt an exclusive system of dealing; and that, in order to get at and maintain their freedom, they should exercise their ancient constitutional right of providing themselves with the arms of freemen. These are the modes by which these parties propose that harmony should be established in this country. This is the way in which the different classes of the people are to be induced to unite, for the purpose of effecting the objects which these parties have in view. My own opinion is, that these are the exhortations of persons, — several of them, no doubt, conscientious persons, but others very designing and insidious and wicked persons, — wishing, not the prosperity of the people, but exhorting the people, by those means most injurious to themselves, to produce a degree of discord, — to produce a degree of confusion, — to produce a degree of misery, — the consequence of which would be, to create a great alarm, that would be fatal, not only to the constitution as it

now exists, — not only to those rights which are now said to be monopolised by a particular class,—but fatal to any established government. I do not say that I fear those who propose this plan. I am very sorry that delusion has been practised with so much effect as it has been; but if this proposition were presented to the great majority of the working classes in this country, I am sure they would see, as well as I do, that the adoption of it would be most injurious to themselves. I believe that they will spurn the advice which has been tendered to them; and that all those designing persons, who were about to eke out a profit, and to secure an income, from these attempts and these delusions, will find that their trade will soon come to an end, and that the good sense and virtue of the people of England will be fatal to their schemes and their objects.

Mr. D'ISRAELI. — Sir, I entirely agree with the Noble Lord with regard to the fallacy he has pointed out, as pervading this petition — that political rights necessarily insure social happiness. But, although we do not approve of the remedy suggested by the Chartists, it does not follow that we should not attempt to cure the disease complained of. I do not think we have, up to the present moment, clearly discovered what the disease really is. I cannot believe that a movement which, if not national, is yet most popular, could have been produced by those common means of sedition, to which the Noble Lord has referred. Unquestionably, there is more or less of a leaven of sedition mixing itself up with all popular commotions; but I cannot believe that a petition, signed by upwards of a million of our fellow subjects, could have been brought about by those ordinary means which are always in existence, and which, five, ten, or fifteen years ago, were equally powerful in themselves, without producing any equal results. It has been supposed that the basis of this movement is strictly economical. I have great doubts of that, because I find, that where there have been economical causes for national movements, they have led to tumult, but seldom to organisation. I admit, also, on the other hand, that this movement has not been occasioned by any desire of political rights. Political rights have so much of an abstract character,— their consequences act so slightly on the multitude,—that I do not believe they can ever be the origin of any great popular movement; but there is something between an economical and a political cause, which may be the spring of this great movement, — as the Noble Lord must, himself, admit it to be. It may be mistaken; but all must confess that it is considerable. The real cause of this — as of all real popular movements, not stimulated by the aristocracy, and which, if not permanent, are still of material importance — has existed in an apprehension on the part of the people, that their civil rights were invaded. Civil rights partake, in some degree, of an economical, and in some degree, certainly, of a political character. They conduce to the comfort, the security, and the happiness of the subject; and, at the same time, are invested with a degree of sentiment which mere economical considerations do not involve. Now, I maintain that the civil rights of the people of England have been invaded. There has been, undoubtedly,—perhaps with no evil intention — perhaps from a foolish desire of following out a false philosophy, and applying a system of government not suited to the character of this country, but borrowed from the experience of another, — there has been, from whatever motive, an invasion of the civil rights of the English people, of late years; and I believe the real cause of this movement is a sentiment on the part of the people of England that their civil rights have been so invaded. This sentiment has, doubtless, been taken advantage of by trading agitators; but it is participated in by many more than agitators, and by that discontented minority which must ever exist in all countries. I am not one of those who ascribe "the People's Charter," as it is called, to the effects of the New Poor Law; but, at the same time, I believe there is an intimate connection between the two. I ascribe the Charter and the New Poor Law to the same origin to which we owe many evils which we now experience, and many more with which we are menaced, — the consequences of which, if I am not much mistaken, may yet be severely felt by persons, in station much superior to those who have signed this petition.

The origin of this movement in favour of the Charter, dates from about the same time that you passed the Reform Bill. I do not wish to entrap the House into any discussion on the merits of the constitution you have destroyed, and of that which has replaced it. I have always said that I believe its character is not understood by those who assail it, and perhaps not fully by those who defend it. All will admit this,— the old constitution had an intelligible principle, which the present has not. The former invested a small portion of the nation with political rights. Those

rights were intrusted to that small class on certain conditions — that they should guard the civil rights of the great multitude. It was not even left to them as a matter of honour; society was so constituted that they were intrusted with duties which they were obliged to fulfil. You have transferred a great part of that political power to a new class, whom you have not invested with those great public duties. Great duties can alone confer high station; and the new class which has been invested with political station, has not been bound up with the great mass of the people by the exercise of social duties. For instance, the administration of justice — the regulation of parishes — the building of bridges, and the making of roads — the command of the militia and police — the employment of labour — the distribution of relief to the destitute; — these are great duties which, ordinarily, have been confined to that body in the nation which enjoys and exercises political power. But, now, we have a class which has attained that great object which all the opulent desire, — political power, without the conditions annexed to its possession, and without fulfilling the duties which it shall impose. What is the consequence? Those who thus possess power, without discharging its conditions and duties, are naturally anxious to put themselves to the least possible expense and trouble. Having gained that object, for which others were content to sacrifice trouble and expense, they are anxious to keep it without any appeal to their pocket, and without any cost of their time. To gain their objects, they raise the cry of "cheap government!" — that saves the first; to attain the second, they call for the constant interference of the Government. But, I contend, you cannot have cheap and centralised government, and maintain, at the same time, the civil rights of the people of England. I believe this is the real cause of the Charter: a large body of the people have found out that their civil rights have been invaded. You have invaded their civil rights. The New Poor Law Act is an invasion of their civil rights. You cannot deny that you based that New Poor Law upon a principle that outraged the whole social duties of the state — the mainstay, the living source of the robustness of the commonwealth. You teach the destitute not to look for relief to those who are their neighbours, but to a distant Government stipendiary; you teach the unfortunate labourer that he has no legal claim to relief — that the relief he is to receive must be an affair of charity; and I believe that the discontent such alterations have occasioned, is really the *vis inertiæ* of which the active sedition of the country has availed itself, — this movement for the Charter. I know it will be said that Gentlemen on this side of the House are answerable for the New Poor Law, as well as others. I admit it; but the people of the country do not visit its enactment with the same acrimony upon those who assisted, as upon those who originated it; and, for this reason, they cannot forget that we assisted the party opposite to obtain power; and the feeling of disappointment, the vindictive sentiment, is excited only by the Government and its supporters, — not by those who were opposed to them, although joining in passing their Bill. I think our consenting to such a Bill was a very great blunder. The fact is, when the Tory party, shattered and apparently destroyed, rose from the stupor in which they found themselves, they began to think they should have a slice of the cake and fruits of reform — that they should have some of the advantages of the cheap government system: and I believe they will yet rue the day they did so; for they acted contrary to principle — the principle of opposing everything like central government, and of favouring, in every possible degree, the distribution of power. I admit that the prayer of the National Petition involves the great fallacy of supposing that social evils can be cured by political rights; but the fallacy is not confined to these poor Chartists. I never pass an evening in this House, that I do not hear some Honourable Gentleman say that the people are starving, and that the only remedy is household suffrage, or some such *nostrum*. Is that proposition less absurd than the prayer of this petition, which has been so severely criticised by the Noble Lord? The petitioners demand annual Parliaments; but whether a man calls for annual or triennial Parliaments, undoubtedly the change applied for is great in either case; and I do not think the Noble Lord was justified in speaking in terms of derision ——

LORD JOHN RUSSELL. — No, no!

Mr. D'ISRAELI. — At least, it is futile to attempt to draw the line between the requirements of the petition, and the suggestions of some of his own supporters. The fact, however, is, — although the opinions of some of the supporters of the Noble Lord's Government may be somewhat in advance of his own, they are still supposed to be perfectly compatible with

the exercise of political powers by that class he has created, by whose influence he has obtained place, and with whose assistance he still hopes to retain power. But if the Noble Lord supposes that, in this country, he can establish a permanent Government on what is styled, now-a-days, "a monarchy of the middle classes," he will be indulging in a great delusion, which, if persisted in, must not only shake our institutions, but will endanger the Throne. I believe such a system is actually foreign to the character of the people of England. I believe that, in this country, the exercise of political power must be associated with great public duties. The English nation will concede any degree of political power to a class making simultaneous advances in the exercise of the great social duties. That is the true principle to adhere to: in proportion as you depart from it, you go wrong; as you keep by it, you will approximate to that happy state of things which has been described as so desirable by the Honourable Member for Birmingham. The Noble Lord has answered the speech of the Honourable Member for Birmingham; but he has not answered the Chartists. The Honourable Member for Birmingham made a very dexterous speech — a skilful evolution in favour of the middle classes; but, although he has attempted to dovetail the Charter on the Birmingham Union, all that has recently taken place on the appearance of the Chartists before the leaders of the Union — newly-created magistrates — and the speeches by members of the Convention within the last few days, lead to a very different conclusion. There I find the greatest hostility to the middle classes. They complain only of the government by the middle classes. They make no attack on the aristocracy — none on the corn laws —they turn upon the newly enfranchised constituency, not on the old — upon that peculiar constituency which is the basis of the Noble Lord's Government. I am aware this subject is distasteful to both of the great parties in this House. I regret it. I am not ashamed to say, however much I disapprove of the Charter, I sympathise with the Chartists. They form a great body of my countrymen. Nobody can doubt that they labour under great grievances, and it woud indeed be a matter of surprise, and little to the credit of this House, if Parliament had been prorogued without any notice being taken of what must always be considered a very remarkable social movement. We have now sat five months; our time has not been particularly well occupied; and I will just call to the attention of the House some of the circumstances which have occurred with reference to this subject. Early in the Session, we heard of lords lieutenants of counties, noblemen and gentlemen of great influence, leaving the metropolis, travelling by railroads, putting themselves at the head of the yeomanry, capturing and relieving towns, and returning just in time to vote on some important division; and, certainly, I should have expected that some notice, at least, would have been taken of the occurrence by the Noble Lord the Secretary of State for the Home Department. A short time afterwards, the petition, called the "National Petition," was brought forward by the Honourable Gentleman. I call it the "National Petition" by courtesy. The Noble Lord has been critical upon it; he says it is not national. The Noble Lord also, says, he is at the head of the Reform Government, which some venture to think is not a Reform Government.

[Cries of "Hear, hear!" and laughter.]

We should take titles as we find them; but it has a very good title to be called "national," when it is signed by so large a portion of the nation. By a sort of chilling courtesy, the Honourable Member was allowed to state the contents of the petition; but the Noble Lord said nothing — he "gave no sign" — and it was only by accident, I believe, that we have been favoured with his remarks this evening, — remarks which show great confidence in the state of the country, in the temper and virtue of the labouring classes — great confidence in himself and in his Government. I hope the Noble Lord has good and sufficient reasons for the tone of confidence which he has assumed, and the air — I will not say of contumely, but — of captiousness, with which he has met this motion.

[Cries of "Hear, hear!" and, "No, no!"]

The observations of the Noble Lord will go forth to the world; and if the inference I draw from them be wrong, prompt justice will, no doubt, be done him. The Noble Lord may despise the Chartists — he may despise 1,200,000 of his fellow subjects, because they are discontented; but, as a Minister of the Crown, he should not treat them, if not with contempt, at least with *nonchalance* ——

[Cries of "No, no!"]

—even if he think them unreasonable. The Noble Lord has his colonies in a condition so satisfactory—the war in the East seems so near drawing to a close—his monetary system is in so healthy a state—that he can afford to treat with such *nonchalance* a social insurrection at his very threshold. Perhaps it is in vain to expect, whatever may be the state of the country, much attention from her Majesty's Government. Their time is so absorbed, so monopolised, in trying to make Peers, and promising to make Baronets, that but little time can now be given, by them, to such a subject as this; but, probably, in the recess, when Cabinet Councils will be held more frequently, they will give it some consideration. I believe that if they do not, and that if they treat it as a mere temporary ebullition, which is rather the result of a plethoric vein than of any other cause, they will be grievously mistaken; for the seeds are sown, which will grow up, to the trouble and dishonour of the realm. I am convinced that, if they persist in their present system of cheap and centralised government, they will endanger not only the national character, but also the national throne.

Mr. HUME.—I think that the taunt which the Honourable Member for Maidstone has thrown out against her Majesty's Ministers, is scarcely justified by the circumstances of the case; for if we, on this side of the House, have done little this Session, the Honourable Members on the other side have done still less, to forward public objects. I agree with the Honourable Member, that there is a general discontent prevailing among the labouring classes; but I must remark, at the same time, that it is impossible for the measures of any particular Government to have produced that organisation of them which we see existing at present. This organisation has arisen out of deep and general discontent; and that discontent, I believe, has been generated by the disappointed expectations of those who cordially joined with the Government in carrying the Reform Bill of 1832. I believe that the people expected greater and better results from that Bill, than any which they yet experience; and that they, unfortunately, have been severely disappointed. Having suffered patiently for years, in the hope of obtaining relief, and having at length discovered that no relief is to be afforded to them, they have been reduced to a state of complete despair. As the Honourable Member for Maidstone intimated that he had not read the petition recently, I handed over to him a copy of it, and I did entertain hopes that the Honourable Member would attend to its prayer; for I am sorry to say that the speech of my Honourable Friend the Member for Birmingham, who made the motion, and of the Honourable Member who seconded it, and that, also, of the Noble Lord the Secretary of State for the Home Department, who opposed it, contained little or nothing in them referring to the prayer of the petition. This petition contains no prayer for a paper currency. Except so far as regards cheap bread, the subject of corn laws is not introduced into the petition. Though the petitioners may have suffered by the New Poor Law, they say nothing about it in their present petition. The Noble Lord has, therefore, not dealt fairly either with the petitioners or with their petition. The prayer of the petition is as follows:—

> May it, therefore, please your Honourable House to take this our petition into your most serious consideration, and to use your utmost endeavours, by all constitutional means, to have a law passed, granting to every male, of lawful age, sane mind, and unconvicted of crime, the right of voting for Members of Parliament; and directing all future elections of Members of Parliament to be in the way of secret ballot; and ordaining the duration of Parliaments, so chosen, shall in no case exceed one year; and abolishing all property qualifications in the Members; and providing for their due remuneration while in attendance on their parliamentary duties.

This prayer is simply for a change in the constitution of the Commons House of Parliament, and for an amended representation of the people, within it. The petitioners come before the House with this prayer; and by this prayer, alone, ought they to be judged. The Noble Lord has been accused of treating the petition, if not with contempt, at least with captiousness. I have heard every syllable of the present debate; and I am bound to say that, though the Noble Lord may have shown contempt for the doctrines contained in the petition, as being in opposition to his own, he has not treated the petitioners with anything that wears the semblance of contempt or disregard. Does the Noble Lord the Member for Stroud mean to say that the taxes upon the people are not heavy?—that the wages of labour, as compared with the prices of provisions, are not exceedingly low?—and that great suffering to the industrious poor—to their families—is an inevitable result? And does the Noble Lord think that this is a state of things that can be allowed to continue, or that can possibly continue, without danger to the community at large? I ask, again,

What has the House to do with the currency laws, or the poor laws? They may all be the effect of bad legislation; but the question now before the House is the petition of the Chartists, who, I maintain, should be judged by their petition — and by their petition only. The Noble Lord has asked whether universal suffrage will produce cheap bread, or any other of the ameliorations which the petitioners require? Now, in replying to that question, I will tell the Noble Lord what changes I, as well as the petitioners, expect to result from universal suffrage. And here I would observe, that it is not exactly fair in the Noble Lord to mix up with this petition a Bill drawn by the Lord knows who, and containing matters which would completely counteract all the objects which the petitioners are anxious to obtain. I concur entirely in the principles on which the Charter, as it is called, is founded; and I could prove, if need were, that some of the ablest men in this country have promulgated at least three out of the five principles which it contains. The petitioners state, that "the energies of a mighty kingdom have been wasted in building up the power of selfish and ignorant men, and that its resources have been squandered for their aggrandisement." They likewise state, that "the good of a party has been advanced, to the sacrifice of the good of the nation; that the few have governed for the interest of the few, while the interest of the many has been neglected, or insolently and tyrannously trampled on." They add, further, that "they look upon the Reform Act as the machinery of an improved legislation, where the will of the masters would be at length potential;" and they complain that "they have been bitterly and basely deceived." Now, can any man lay his hand on his heart, and say that there is not much of truth in these statements? Can any man in his senses contend that the House, at present, represents, fully, fairly, and freely, the sentiments of the people of England? Why, it is notorious that, at present, the House is chosen by less than a sixth part of the male adult population. I will give the definition of a freeman, as it is laid down by Blackstone, Sir T. Smith, and the great Lord Camden; and you will find that every one of these great authorities affirms the principle that taxation and representation ought to go together, and that no man can be considered as a freeman, who has not a voice in the election of those representatives who are to make the laws under which he is to live, and are to impose the taxes which he is to pay. Now, precisely similar to this is the language of the Chartists, when they say, "We are slaves, because we are subjected to taxes in the enacting of which we have no voice. We have no share in the election of that assembly which ought to protect our lives, our liberties, our laws, and our property." This complaint is but too well founded; and the result is, that laws are passed for interested purposes, and for the benefit of the few, and not of the many. Let any man put his hand to his heart and say that our legislation is not partial and one-sided to a degree, and that laws are not passed exclusively favourable to the rich and the landed classes, and oppressive to the working classes and the public in general. Can any one deny that the taxation of the country rests principally on these 1,200,000 petitioners? They are the principal taxpayers; for the aristocracy take as much from the taxes as they contribute to them.

I would now tell the Noble Lord how universal suffrage will produce cheap bread. The masses would send to the House of Commons men who would repeal the corn laws, and all the taxes which make food dear, and all the laws which benefit the few and not the many. I do not agree with the Honourable Gentleman who spoke last, that the Noble Lord the Member for Stroud has treated this petition with indifference, or in an unbecoming manner, though he has distinctly and frankly stated that he is opposed to the views which it advocates. In calling for universal suffrage, the Chartists come before the House with the very best of precedents; though I must say, that, if they take my advice, they had better lay aside the phrase "universal suffrage," and use the phrase "extension of suffrage" in its stead. I also wish that they would not call their meetings by the name of "National Convention,"— as that is a name which reminds men of events which every one must wish to forget. I must, however, recal to the House, that in the year 1779 and 1780, delegates were sent up to an assembly in London from no less than twenty-five different counties, and from the cities of York, Bristol, and Gloucester, and the towns of Cambridge, Nottingham, Newcastle, Reading, and Bridgewater; and that various meetings of them took place on the Parliamentary Reform, at several of which the late Mr. Pitt, the idol of Gentlemen on the other side of the House, attended. I hold in my hand the resolution that was passed on the 20th of March, 1780, at a meeting of the delegates of twenty-five counties, at which the Reverend Charles Wivell, one of the

deputies from York, presided, and at which a resolution was agreed to, "That the length of Parliaments should be shortened in duration to one year, in conformity with two Acts of Edward III., by which it was ordered that Parliament should be held every year, once at the least, and oftener if need be;" the object of which, was to prevent the Crown from acting without the Parliament, which the delegates conceived was an object that could not be arrived at, unless by understanding that it was a new Parliament every year; whilst historical records show, that the writs were actually annually issued, and in some cases two or three times in one year.

[Laughter.]

Honourable Gentlemen may laugh at that expression, and I know what their laugh means; but I have already seen two Parliaments holden in one year, and I have no objection to seeing it again. The resolutions likewise stated, that "during the whole of the reign of Edward III., and during the first eighteen years of the reign of his successors, writs were issued for the meeting of Parliament once in each year, and sometimes twice in the same year." The meeting of delegates also recommended that some measure of protection should be adopted towards the electors in the collecting of their suffrages, so as to save both trouble and expense. I would further remind the House that, on the 3d of June, 1780, the Duke of Richmond presented a Bill to the House of Lords for the purpose of restoring to the people their right of voting for Members of Parliament. It was entitled an Act for "declaring and restoring the natural, unalienable, and equal Right of all the Commons of Great Britain (Infants, Persons of insane Mind, and Criminals incapacitated by Law only excepted), to vote in the Election of their Representatives in Parliament." The heads of that Bill were, that "Parliament in future should be but for one year's duration; that the number of Members should continue to be 558; that every man born a subject of Great Britain, being of full age, of sane mind, and unconvicted of any crime, should be entitled to a vote in the election of such Members to serve in Parliament; that every county should be divided into districts, and that each district should return one Member." This Bill, then, of the Duke of Richmond, carried out nearly every one of the five principles asserted at present by the Chartists. I beg to refer the House also to the meetings of the "Friends of the People" in 1782, which were attended by the Duke of Richmond, Mr. Cartwright, the Lord Mayor, and many other eminent personages, and who formed an association for effecting the very same objects as those now projected by the Chartists. I hold in my hand a copy of the resolutions passed on the 30th of May, 1792, by that association,—Mr. W. Smith, the late Member for Norwich, being in the chair. Of that association I believe that my Honourable Friend the Member for Middlesex and the Honourable Member for Hereford are the only two survivors now in the House. I regret that the Honourable Member for North Wiltshire is not in his place; for I hold in my hand an extract from a speech which that Honourable Baronet made on the 15th of June, 1809, and which went the full length of the present petition. At the time to which I refer, the Honourable Baronet was Member for Westminster; and on the 15th of June, 1809, the Honourable Baronet made the following observations on the subject of reform: —

For this purpose, I shall propose: — First, that freeholders, householders, and others, subject to direct taxation in support of the poor, the church, and the state, be required to elect Members to serve in Parliament. Secondly, that each county be subdivided, according to its taxed male population, and each subdivision required to elect one representative. Thirdly, that the votes be taken, in each parish, by the parish officers; and all the the elections finished in one and the same day. And, fourthly, that the parish officers make the returns to the Sheriffs' Court, to be held for that purpose at stated periods; and that Parliaments be brought back to constitutional duration.

The Honourable Baronet then proceeded as follows: —

I have stated fully and dispassionately, and I hope clearly and satisfactorily, to this House and to the public, the remedy for all our grievances, which I have been so often called upon to produce. I have obeyed that call; in that, at least, I hope I have given satisfaction. The remedy I have proposed is simple, constitutional, practicable, and safe, — calculated to give satisfaction to the people, to preserve the rights of the Crown, and to restore the balance of the constitution. These have been the objects of my pursuit; to these I have always directed my attention; higher I do not aspire, lower I cannot descend.

[Cries of "Hear!"]

The next authorities whom I will quote in support of the Chartists, are, the Noble Lord the Secretary for the Home Department, and his then Noble colleague, Earl Grey. The Noble Lord below me said,

when moving for leave to bring in the Reform Bill, —

> The ancient constitution of the country declares that no man shall be taxed for the support of the state, who has not consented, by himself or his representatives, to the imposition of a tax.

These were the words which the Noble Lord used, when he wished to carry the Reform Bill; and the sentence is almost a quotation from *Blackstone;* yet the Noble Lord now turns round upon those who urge the very same principle, in a way that shows he must have a very short memory, or must have very much changed his opinions. Earl Grey, speaking of the Reform Bill, on the 3d of October in the same year, said, —

> I believe the present to be a measure of peace and conciliation. In 1786, I voted for Reform; I supported Mr. Pitt in his motion for shortening the duration of Parliaments, in order to make the House of Commons a full, vigorous, and efficient representation of the people of England. The theory of the constitution is admitted to be the full, fair, and free representation of the people.

All that the people require is, that the aristocracy shall be kept in their proper place, and not interfere unduly with the constitutional rights of the people. That the people are fairly treated at present, I defy any man to prove; and therefore I hope the House will consent, on the present occasion, to go into committee, in order to consider what measures can be devised for the redress of the evils under which the petitioners labour, and how far the prayer of the petition can be acquiesced in; and in order to show that we are not indifferent to the feelings and wishes of a large body of the people, but that we are anxious to consider their distresses, and to afford them the fullest redress in our power.

Mr. SLANEY. — I should be most anxious to give the attention to this petition which is demanded for it, if I thought that acquiescence in its prayer would be likely to lead to the results which the petitioners seem to desire, and to alleviate the distresses of which they complain, — distresses which doubtless exist, but which I have no doubt have been considerably exaggerated, and indeed suggested, in many cases, by evil counsellors. I am afraid that, so far from doing any good to the working classes, the inquiry sought will do harm, by making their employment precarious, and unsettling the present relations which bind society together. We have too long neglected the interest, welfare, and happiness of the people who are congregated in our great towns, of which the population has quadrupled within fifty years. No care is taken of the health of the people, who are crowded together in houses and cellars, without ventilation. You have taken no pains to provide public walks for the people, in the neighbourhood of large and densely populated manufacturing towns.

[Laughter, and cries of "Oh, oh!"]

Honourable Gentlemen may laugh, but I say, with the worthy of old, "Strike, but hear!" And, I ask, can any man doubt that we have neglected the education and moral culture of the people? Her Majesty's Government is entitled to credit for the measures which they have brought forward; but these measures have been generally marred in their progress. Honourable Members of this House have used their power rather for their own aggrandisement than for the benefit of the people. I hope I shall soon see them adopt practical measures for infusing foresight and providence into the habits of the people, which are so much more essential to them than to the higher classes. I trust I shall see, ere long, some measures of kindly feeling and conciliation adopted towards the humbler classes. I trust I shall see some sympathy evinced by this House with their sufferings, — some steps taken towards securing to them education, and improvement in their social condition. I assure Honourable Gentlemen they would feel as I do, if they were aware of the misery I have seen arising from the people not having the opportunity of procuring that instruction and education which should be the means of avoiding moral evil. Sir, I shall be obliged to vote with the Noble Lord, because, though there are a great many evils suffered by the humbler classes of society, yet I am bound to say that I think the remedies which have been suggested in the petition, so far from ameliorating, would augment them.

Mr. O'CONNELL. — I must claim the indulgence of the House, whilst I express my opinions on this occasion; because, having taken a decided part against the Chartists out of this House, I feel it to be my duty to declare that I am favourable to the principle, but not to the details, of this petition. I do not agree to the adoption of the entire Charter; but I think there is a portion of it which ought to be worked out. I cannot, certainly, consent to annual Parliaments. I am convinced, that if annual Parliaments were adopted, they would become so much a matter of course, that,

instead of creating the riot and tumult which are apprehended, they would become, as in many places in America, matters of indifference, and not produce so good a selection as if they occurred less frequently. I candidly admit I am a thorough Radical Reformer; therefore I am for the utmost practical extension of the suffrage. I am not for universal suffrage, because I consider it a principle totally inapplicable to the existing state of society. The Chartists, themselves, do not mean universality of suffrage, though they seem to call for it; for they admit an exception to their demand, which does not exist in the East India House and the Bank, by excluding females from the right of voting. But I confess the Noble Lord did not, in my mind, state any argument against general suffrage, — that is, a suffrage co-extensive with the existence of freedom of action on the part of those enjoying it. I do not think that apprentices or servants should have a vote, or any one over whose opinion a direct dominion could be exercised; but, within that limit (which is rather an extensive one), I want to know why any Englishman should be deprived of this right? I do not see in this country, as in the West Indies, a master class of one colour, and a slave class of another. If I saw in England a superiority of one class over another, in point of moral, physical, and intellectual power, I should assent to the dominion which is implied by the present state of things. But as the wealthy class does not possess any such advantage, I utterly deny the right of the wealthy class to call themselves the master class, and to make the poor the slave class, — depriving them of all share in the representation, or power of interfering in the making of laws. My Honourable Friend near me (Mr. Hume) showed, from the text writers on our law, that taxation and representation were correlative. Indeed, so familiar is this principle to the mind of every lawyer, that the Right Honourable Member for Ripon (Sir Edward Sugden), last night, dwelt on the cruelty of taxing the Canadians, without allowing them the right of choosing their representatives. The man who is taxed without being represented is robbed of his money; and what he is made to contribute towards the exigencies of the state he does not pay according to the process of law. I should, then, place the poor man and the rich man on a perfect equality; being convinced that, if you deprive either of his vote, you rob him of his property, by taxing him without his consent. Now, how does this question of the suffrage stand, at present? What proportion of the adult population possess it? Why, 19 per cent. is the miserable proportion in which the people enjoy the franchise. The remaining 81 per cent. are deprived of votes. How is it in Ireland? Four per cent. of the whole adult population possess the right of voting, — a contemptible minority of the people of Ireland. This is nothing imaginary. It is a serious, a real grievance. And when 81 persons out of every 100 are unjustly deprived of the right of voting in England, how can you expect peace, or contentment, or quietude, as long as a topic of that kind, so powerful in itself, is left in the hands of any man who chooses to agitate the public mind? And can you imagine that we Irish agitators will not make use of the powerful arguments with which we are furnished, in the fact that 96 out of every 100 persons in Ireland are shut out from all control over the laws? But you have adopted the fantastic principle of resting the right of voting on 10*l.* annual value; and you have been guilty of the preposterous injustice of vesting the franchise in inert matter, — a house or a farm, — whilst you disqualify the labouring man, whose wages amount to much more than your favourite standard. And, after these things, you hope to be secure against popular attacks, — conscious as the people are of the grievances which they endure, and their sense of their being embittered by the reflection that they are incapable of removing them, because they are prevented from enjoying the right of voting possessed by their fellow citizens.

I shall not enter upon the topic of the Ballot, though I am decidedly for it. I shall not allude to the question of qualification, further than to say that the absurd anomaly at present exists, — that Members for Ireland and England are obliged to qualify, whilst those for Scotland do not qualify at all. As to the payment of Members for their attendance, it cannot be supposed that I should be very unfavourable to that principle; and I have therefore no hesitation in supporting it. But what I wish to impress on the House is, that your exclusive laws at present infuse fresh discontent into the sullen spirit to which it is natural to expect that the people, situated as they are, should give way. It unfortunately happens that, in every country, the poorer classes, from being crowded into towns, from sickness, accident, and the variations of trade, suffer what are to them the greatest calamities. You aggravate this real and substantial grievance, by imposing on those subject to it political inferiority. I am thoroughly convinced that the present

system of exclusive voting, and the aristocratic mode in which this House is elected, would, ere this, have yielded to popular discontent, but for the conduct of the Chartists. If it had not been for the recommendation to use physical force, — if it were not for the ridiculous folly exhibited in their scheme of measures, and particularly in the advice to go to the savings banks, and take out the money, — I am persuaded that the demands of the people would have been in great part answered. What trifiers and idiots these men must be? If they had any desire to accomplish the national objects of the people, they would advise them to save and deposit what they could of their earnings in the savings banks, instead of advising them to go and rob the money laid up there. Such folly could only have its source in the greatest depravity. They are the protectors of the aristocratic exclusionists in this country. Their violent proceedings have scared from their ranks the middle classes — the strength, the sinew, and bone of society. Nothing is more familiar than to read in the newspapers, now-a-days, treasonable recommendations; for any recommendation to alter an existing law by force, is high treason. This traitorous language has terrified all sober and quiet members of society; and at a time when popular opinions were fast gaining ground, these men have cut off the resources of persuasion and argument.

I was sorry to hear the Noble Lord (Lord John Russell) institute a comparison between aristocratic and democratic government. In one respect the Noble Lord's answer to the Honourable Member for Birmingham was perfect. That Honourable Member looks forward to the establishment of the democratic principle as the means of obtaining his favourite paper currency, with a perfect freedom from fluctuations. The Noble Lord showed that these fluctuations, and more, prevail in America, where the democratic principle exists in its widest extent. But the Noble Lord should have been satisfied with that decided answer to one part of the Honourable Gentleman's argument, and not have inveighed against democracy generally. Let me ask the Noble Lord, does America furnish any discouragement to those who are favourable to the democratic principle? What other country can boast that it has paid off its national debt, and is free from all direct taxation? And, proudly as the British flag floats, is it safer than the American? Is there any country more secure from foreign invasion? When, therefore, the Noble Lord quotes America, I must remind him that there are many pages in the history of that Government which suggest a direct incentive to increase the power of the democratic element. In short, I would appeal to the American constitution in all its phases, for examples of the benefits of democracy. But this is not all. I could point to other states; and it is no schoolboy affectation that impels me to point to democratic Athens, which outlived all the other kingdoms of the ancient world, — one of the most remarkable facts in the history of the globe. It is not the affectation of a schoolboy to refer to the first 400 years of the Roman republic. When she was democratic, every day her power increased more and more; and it was only when, at length, aristocracy overcame democracy, that she began to verge to ruin. Let the Noble Lord go, too, to Venice, and let him mark that ancient city, democratic for 900 years, and established so strongly in that time, that it took 700 years to pull down that power which the 900 of democracy had given. Let the Noble Lord turn to Switzerland, — let him look back on Holland, — and, then, let him reflect that if England has been, in her time, the most prosperous of the states of Europe, it is because she was the first to impart power to the people. But look to the case of Norway. Recollect the natural disadvantages of that country. Look at the way in which she was handed over to Sweden by the Holy Alliance. What is the reason of the difference between those two countries? Without doubt, because the democratic element was preserved in Norway. Has she not paid off every farthing of her debt? You cannot attribute that to any other cause than the presence of the democratic element in her constitution? This, too, is the cause of her having amended her institutions. In reading Mr. Laing's account of the country, you might almost fancy that it was a romance open before you. While Denmark has been going on increasing her debt since the peace, Norway has paid off its debt in full. Is it not the same in Belgium? There they have all but universal suffrage; they have vote by ballot; and yet, in spite of their having a new Government, and being compelled to maintain a large army, there is no country which is rising more rapidly into importance, and in which the people will be more happy than in Belgium. These cases, therefore, I think, furnish an answer to the Noble Lord when he disparages the democratic principle. That principle, however, cannot be of use, if it be not moderate

in its demands, as well as peremptory. Within perfectly legal and strictly constitutional grounds, it is fortified against every attack. When so guided, it may be left with safety to control the public mind; and under such circumstances, I am convinced that too much encouragement cannot be given to the people of England to insist that this House shall represent the entire nation, and not a portion of it. The good sense which distinguishes the people cannot fail to be struck by the useless conflicts for office that are essayed in this House, and during which even the cause of education is tarnished by the propagation of bigotry and bad feeling. I am ready to vote for going into committee, — being favourable to a considerable extension of the suffrage, to Ballot, to a shortened duration of Parliament, to the abolition of a property qualification, and to allowing such constituencies as shall please to pay the expenses of their Members. I am opposed altogether to every exertion of physical force in attaining these objects,—more especially when I observe that those who stimulate the people to violence, are most careful to remain at a distance when the army comes down upon the victims of their bad advice.

Mr. WALLACE. — I shall occupy the House but for a very short time. I will only say that I am in favour of four out of six of the demands of the petitioners. But I am against annual, and in favour of triennial, Parliaments. I am for household suffrage, vote by ballot, and paying members of Parliament.

[Cries of "Hear, hear!" and laughter.]

I am against demanding qualifications from members; and I am proud to say that I, as a Scotch Member, am without one. I remember, when I first went up to that table, that the clerk asked me for my qualification, and I felt proud when I answered, "Sir, I represent a place in Scotland." I shall support the motion. I promised the House I would make a short speech, and I think I have kept my word.

Mr. A. WHITE. — Having had some experience of the middle classes of this country, I can say that they never will rest satisfied till they are fully represented in the House of Commons. As for the present House, I believe that the people have no hope for further measures of reform from them. I trust that the committee will be appointed, and that the propositions of the Chartists will become the law of the land.

GENERAL JOHNSON. — I cordially support the motion. I have listened with the utmost attention to the whole of the debate, and I have not heard a single argument against the just claims of this petition. No Honourable Member has yet got up to dispute the rights of the people to have these demands granted. If the House mean to do justice to the people, it must either relieve them from taxation, or it must alter the system of representation. As for the Opposition, it is quite certain they do not think it right to allow that these 1,200,000 persons have any rights at all. I have heard no account given of the cause of the pressure under which the people are labouring; and therefore, though I am not prepared to point out a remedy, yet I will mention the foundation of the evil, — and that is, the national debt. Until there be a House of Commons constituted so as to grapple with this debt, the country never will enjoy repose. No matter how the money goes, — whether in the necessary expenditure, or in payments to that all-swallowing monster, the Consolidated Fund, — the taxation which supplies it must be diminished. One remedy for the present state of things would be universal suffrage, — by which I mean that every male of 21 years of age shall possess a vote, and that by way of ballot.

Mr. VILLIERS. — I intend to vote in favour of the committee, and the Gallant Member who has just spoken shall not deter me from doing so; though I must say, that if anything be likely to excite alarm, and distrust of the object of the motion, it is the sort of language which the Honourable Gentleman has held with respect to the national debt. Indeed ——

GENERAL JOHNSON. — I said nothing that implied an intention of dealing dishonestly with the public debt. What I said was, that, with universal suffrage, the people would send such Members to this House as would grapple with it.

Mr. VILLIERS. — It is precisely that expression of "grappling," of which I complain; for I know that it will be misunderstood, and will be construed in a sense likely to alarm the public creditor. Now, I will not allow that unguarded expression of the Honourable and Gallant Gentleman's to bring discredit on those who vote for the motion; and therefore, if he meant anything that could in

any way affect the public credit, I hold it for a mere individual opinion, and in no way connected with the justice of considering the petition before the House; — and I beg to remind the House that opinions of this kind are just as common among those who abjure the objects of this petition as among its friends; and in proof of this fact, I beg to allude to what I heard, myself, during the debate on the corn laws, when a country Member said that, if the corn laws were repealed, he, for one, should be ready to laugh at the idea of preserving faith with the public creditor; and I am sure that no Member could be more opposed to the extension of the franchise than that Honourable Member. I wish, therefore, to note that this question of breaking faith with the public creditor, by means of the abolition of the national debt, is the notion of but a few individuals; and by no means the opinion countenanced by any class, whether the working class, or any other. I, for one, am ready to say, that if my vote, to-night, could be identified with any erroneous views of some of the advocates of the petition, or could be supposed to associate me with those who would disobey the law, or invade the rights of property, there is not a man in this House who would be more opposed to it. This, however, I do not consider a consequence necessary upon going into a committee to take the subject-matter of the petition into consideration; and I really cannot help placing myself in the position of the petitioners, and judging of them as I would be judged myself, and that is, by what they really do pray in their petition, and not by what others may choose to say that they intend. Now, these petitioners, really, only ask of us to do what, if we are in earnest ourselves, we cannot think them unreasonable in doing; for the petitioners hear and read of what we say of each other — they see us occupied, chiefly, in bandying from one side to the other every kind of reproach, and charging, each the other, with gross neglect of his duty, or with the wilful intention of promoting his own interests at the expense of the country. The people, then, who may be considered as the lookers on, suffering themselves, beginning to inquire into the connection of their own condition with the laws and institutions of the country, are not unnaturally led to believe, from what they see, and what they endure, that the only remedy for their grievances is a different constitution of this House. They have our authority for our own inefficiency; and they have their own suffering, and the doctrines of those in whom they trust, as reasons for some change; and, really, I regard this motion as nothing more than to take into consideration the remedy which 1,200,000 people propose for their own sufferings. Now, really, if there be anything in the argument against a measure, that it is not supported by petitions, — which we so frequently hear, — I cannot conceive how a measure, supported by such a gigantic petition as the present, can be so disregarded, as that it should not induce us to enter into a consideration of its merits. I put myself, then, in the place of the petitioners; and, feeling that they have great wrongs, and that this House does not consult the general interests of the country as it might do, if it were differently constituted, I think I should be guilty of great injustice,—not to say inconsistency,—after the opinion that I have, on more than one occasion, expressed of the conduct of this House, if I did not vote for, at least, considering the allegations and remedies suggested by the people in their petition.

Mr. OSWALD. — I shall not support the proposition for going into committee to consider the petition, because I believe that the only effect of such a proceeding on the part of the House would be, to give rise to hopes and expectations in the public mind, which would certainly be disappointed, by our throwing out that which is the first and leading feature of the petition, — namely, universal suffrage. I do not pretend to say how far the elective franchise may, in the course of time, be extended in this country. I believe the question to be an extremely difficult one. But this I will say,— that there is an overwhelming majority in this country totally opposed to universal suffrage; and that being the leading feature in the present petition, I should hold myself as acting exceedingly wrong, if I were to give my consent to the House going into a committee where that subject is to be discussed.

Mr. WARBURTON. — In differing from the Honourable Gentleman who has just sat down, I do not consider that I should be practising any deception upon the people if I consented to go into this committee; because this is not the first instance that has occurred within the walls of Parliament, in which Members, not agreeing to the full extent in certain principles laid down by petitioners, have still felt themselves justified — (therein practising, as I maintain, no deception) — in admitting them in a degree. I agree with the Honour-

able Member for Glasgow (Mr. Oswald) to this extent,—that I am not prepared to go all the way with the petitioners. I am not favourable to universal suffrage, nor to annual Parliaments; but I think that the suffrage ought to be extended, and the duration of Parliament limited to three years. But because I differ so far from the petitioners, am I therefore to refuse to enter into the subject-matter of the petition at all? I shall support the appointment of the committee, because I think a full and fair representation of the people necessary. I do not put it on the ground of abstract right; but I am favourable to going into committee, because I believe good representation will conduce to good government, and bad representation to bad government. If I thought that the giving a more extensive suffrage to the people would lead to cancelling the national debt, I should be the first to resist it; but I do not believe that it would be followed by any such result. I know that there are a vast number of small fundholders who are deeply interested in sustaining the national debt; I know, also, that there are a vast number of the same class who are adverse to tampering with the currency. For this reason it is, that I am not afraid of extending the representation, and certainly not averse to taking the subject-matter of the present petition into consideration in committee.

Mr. WAKLEY.—I wish to know whether the Honourable Member for Glasgow is opposed to the whole of the six provisions of the petition? because I do not see why he should oppose the going into committee on the petition, if he be opposed to only one of its provisions. I wish to know whether this is the conduct the Honourable Member will pursue, in order to obtain the applause and confidence of his constituents? It does not follow, because the Honourable Member is opposed to some of the propositions contained in the petition, that, therefore, he should refuse to go into committee, to consider them in conjunction with others to which he might be induced to assent. I am not one of those who think that the Noble Lord the Secretary for the Home Department has treated this subject with any degree of levity or unkindness: I think that the Noble Lord's speech was a kind speech, and, for the most part, a very conciliatory speech. Entertaining the opinions which the Noble Lord is known to do, I think he has treated the subject with the utmost fairness. There was, however, one remark of the Noble Lord's which I very much regretted to hear him make, — I mean the remark which applied to the wages of the labouring classes. The Noble Lord said he did not think that the working people were in such a state of distress as was represented in the petition; and he mentioned two counties, — the one agricultural, the other commercial, — to prove the accuracy of his statement. The Noble Lord made the county of Devon his agricultural illustration. I should have thought that the Noble Lord would have been one of the last men in the House to make a reference to that county.

[Cries of "Hear, hear!" and laughter.]

I should have thought that the Noble Lord had had quite enough of Devonshire. The Noble Lord, however, selected that county, as presenting a proof of the sufficiency of pay to agricultural labourers; and, in support of his argument, alluded to the increased amount of deposits in the savings bank at Exeter. But, whatever the increase in the amount of those deposits may be, I am satisfied that they cannot have been made by the labouring people of the county; and I am inclined to think that there are some parties in this kingdom, who are extensively lending themselves to frauds on the savings banks. It is impossible that these deposits can be paid by the labouring people of that county, out of 6*s*. or 7*s*. a-week, which is the general amount of wages paid; so that the deposits, therefore, must be made by another class of people. The agricultural population around and in the neighbourhood of the metropolis is in the greatest distress, and the labourers are lying in sheds and barns and outhouses.

An HONOURABLE MEMBER. — They are harvest men.

Mr. WAKLEY. — I know they are harvest men; but is that the way in which labourers ought to live, who have been sweating and toiling, under a burning sun, all day? — to have no resting place but a barn or a shed, and be clothed in rags? I wish the people to know that there is not the slightest chance of their being heard in this House. I would say to them, "Do not waste your energies by again presenting a petition to this House; do not waste your time by presenting petitions to persons who will never lend a willing ear to them." I would say to them, if I were speaking to them out of doors, "Form your associations, — discuss your grievances, — make known your wants, — and make friends, and not enemies, of your

neighbours; try to win by constant discussions, and to advance in the good-will of the middle classes of society; join with them in such a demand as shall at last have an effect on this assembly." But, as the House is at present constituted, you might as well petition the Rock of Gibraltar, as address a petition to this House.

Mr. FOX MAULE. — It was not my intention to have spoken; but I feel it necessary to offer a few observations, in consequence of what has fallen from the Honourable Gentleman who has just addressed the House. He remarked, that the Honourable Member for Glasgow must take the consequences of his speech. I presume that the Honourable Member for Finsbury is labouring under a mistake, with regard to the feeling in Scotland regarding Chartism. I think it right to state that the feeling of the vast majority of the people of Scotland is against what has been termed "The People's Charter." The delegate from the county of Perth and the county of Fife to the National Convention withdrew from that assembly on hearing the principles there propounded. The Honourable Member also stated, that other parties than the labouring classes are the depositors of savings banks. Such is not the opinion of those who have signed the Charter, whose leaders have advised the people to withdraw their funds from the savings banks, under the impression that their so doing would reduce the deposits to almost nothing.

SIR T. D. ACLAND. — Without going into the general question, I will make the single remark, that Honourable Gentlemen appear to have no just idea of the state of the agricultural labourers, if they judge from the nominal wages given them. There are other circumstances to be taken into consideration, which would exhibit a very different picture. Taking 7*s.* a-week as the customary wages, — though in very few parishes it is so low a sum, — it is usual to give liquor also, which makes it equal to 2*d.* a-day more, or 8*s.* a-week, and which ought to be taken into calculation as diminishing the grievance, because a labourer believes that he keeps up his strength by this, and is better able to perform his duty. But where these low wages are given, and a labourer is constantly employed by a master, it is common to let the labourer have a cottage at a very low rent, or at no rent at all. It is common, also, to give fuel, which is a very great consideration. Then it is usual for the labourers to employ their children in cultivating their little patches of ground, which the farmer ploughs, but in which the labourer is allowed to put his seed, and obtain an addition to his comfort by the produce. Again, if you inquire among the farmers in that part of the county of Devon with which I am more immediately connected, you will find that the practice is to give the labourers task work, by which they are enabled to earn — not 6*s.* or 7*s.* per week, as the Honourable Member for Finsbury has stated, but — 9*s.* or 10*s.*; and in estimating the condition of the agricultural labourer, all these matters must be considered. I do not defend the existing state of things altogether, nor do I say that the condition of the labourer might not be improved; and I need scarcely add, that no man is more anxious for improvement in this respect than myself. But to show the exaggeration that prevails in these statements of the distressed condition of the agricultural labourer, I will state one case that occurred within my own knowledge. An application was made by a labourer to the board of guardians for relief; and, on being questioned, he stated that the aggregate of his earnings was 6*s.* per week. Before complying with the application, the board thought it right to make some inquiry as to the actual condition of the party; when it was found that the man's earnings were, and had been for the three months immediately preceding the date of his applying to the board for relief, 11*s.* 3*d.* per week, instead of 6*s.*; and it being the custom for the farmers in that part of the county to allow their labourers the use of a cottage, either at no rent at all, or at a mere nominal rent, and as in this case the man lived in a cottage on another property, the farmer by whom he was employed actually paid the rent of that cottage for him. I will not further detain the House: but I have thought it right to state this case — not in defence of low wages, for no man in this House is more anxious than I am to raise both the nominal and the real wages of the labourer, in order that he may be enabled to calculate with certainty on the amount of his income, and to exist upon it, but — to show the House that it must not take up every statement that may be made, particularly by the labourer (whose natural desire is to excite compassion, and to improve his circumstances), without great caution; for, without a very close inquiry, you will not succeed in drawing the real facts of the case from them.

SIR J. Y. BULLER. — I rise to give my testimony to the correctness of the statement which has now been made by

the Honourable Baronet who has just sat down. I believe that, in the greater part of the district to which the Honourable Member for Finsbury has alluded, the rate of money wages is 6*s*. or 7*s*. a-week; but, then, as the Honourable Baronet has stated, the labourer is allowed a cottage at either a very low rent, or no rent at all. There is also an allowance of cider; besides which, it is usual to let him have his wheat at a very reduced price. This, I believe, will be found to be the condition of the agricultural labourer in that part of the county with which the Honourable Member for Finsbury is acquainted; but in my own part of Devon, the real rate of wages is from 14*s*. to 15*s*. per week. I, myself, pay 10*s*. a-week to my labourers; and to the better sort, from 12*s*. to 15*s*., — that is, those who work under the carpenters; besides which they receive the usual allowances. I will not delay the House, having risen merely to bear witness to the truth of what has been stated by the Noble Lord the Secretary of State for the Home Department with respect to the increase of the deposits in the savings banks at Exeter. The Noble Lord's statement in this respect was well founded, and deserves the attention of the House.

[Loud cries of "Divide!"]

Mr. SCHOLEFIELD. — Those who support the prayer of the petition, have been charged with trying for a division of property. That is not my feeling; nor, I believe, is it that of the petitioners. I am, and have always been, an advocate for keeping faith with the public creditor. I am not for a division of property; but I do say that the people are entitled to free and fair representation, and to equal taxation only. And it is my firm belief, that if this were conceded, — if the people were fairly represented, — we should have no more of Chartist meetings nor of Chartist petitions. I am in favour of a property tax, by means of which all classes — rich and poor — would bear their equal share of the general burden; but without equal taxation, I hold that there is no justice.

[Cries of "Divide, divide!"]

Mr. T. ATTWOOD. — I shall detain the House but a moment, to reply. An Honourable Member, in the course of the debate, has stated that there are six points in this petition. It is my duty to tell him, that there are but five. It has been said, that the object of this petition is to subvert the constitution. That I deny. The petitioners have been studious to confine themselves within the framework of the constitution; but what they do demand — and what I consider they have a right to demand — is, full and fair representation, and equal taxation.

[Loud cries of "Divide, divide!"]

The state of the savings banks — I mean, the amount of deposits therein — has been referred to, as showing the prosperity of the labouring classes. Why, nothing can be more ridiculous — nothing more absurd — than to deduce such a conclusion from such premises. For what is the state of the deposits in the savings banks at this moment? The whole amount of deposits at present is 22,000,000*l*.; but of that sum there are only 2,000,000*l*. under 20*l*. The remainder are the deposits of persons in middling circumstances; and a large proportion of them may be called rich individuals, — persons whose deposits amount to 200*l*., and, in many cases, to more, — and who thus receive 50 per cent. more for their money than they could by investing it in any other securities. The Noble Lord has read a placard, which I never saw or heard of until to-night, and concerning which, therefore, I know nothing. But I will say this, — that if my advice had been taken, instead of having discord and disturbance, we should have had peace, unanimity, and good feeling between the master and the workman, and between the middle and the lower classes. All would have combined together to obtain redress of their common grievances by peaceful and constitutional means. I call upon the Conservative Members of this House, if they are Conservatives, and not Destructives in disguise, to stand forward and support this inquiry, — the object of which is to relieve, as far as it can be relieved, the distress which now exists throughout the country — to alleviate the condition of the working classes — to extend to them their fair and equal rights — and thus to maintain the peace and tranquillity, and to insure the continued prosperity, of this great country.

The House then divided: — Ayes 46; Noes 235; — Majority 189.

AYES.

Aglionby, H. A.	Duke, Sir J.
Beamish, F. B.	Duncombe, T.
Blake, M. J.	Easthope, J.
Bridgeman, H.	Ellis, W.
Brotherton, J.	Euston, Earl of
Browne, R. D.	Evans, G.
Collins, W.	Fielden, J.
Currie, R.	Finch, F.

Grote, G.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Jervis, S.
Johnson, General
Leader, J. T.
Lushington, C.
Marsland, H.
Martin, J.
Milton, Lord Visct.
Molesworth, Sir W.
Muskett, G. A.
O'Connell, D.
O'Connell, John
Ramsbottom, J.
Roche, E. B.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Somerville, Sir W. M.
Turner, W.
Vigors, N. A.
Villiers, Hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.
Wood, Sir M.

Tellers.
Attwood, T.
Hume, J.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Alston, R.
Ashley, Hon. H.
Attwood, W.
Baillie, Colonel
Baines, E.
Baker, E.
Bannerman, A.
Baring, F. T.
Baring, H. B.
Barnard, E. G.
Barneby, J.
Barrington, Lord Visct.
Bentinck, Lord G.
Berkeley, Hon. G.
Berkeley, Hon. C.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Bolling, W.
Bowes, J.
Bradshaw, J.
Briscoe, J. I.
Broadley, H.
Brodie, W. B.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Byng, Rt. Hon. G. S.
Campbell, Sir J.
Canning, Rt. Hn. Sir S.
Castlereagh, Lord Vt.
Cavendish, Hon. G. H.
Chapman, A.
Chetwynd, Major
Childers, J. W.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Clerk, Sir G.
Clive, E. B.
Cole, Lord Viscount
Courtenay, P.
Craig, W. G.
Crawley, S.
Dalmeny, Lord
Darby, G.
Denison, W. J.
Dick, Q.
D'Israeli, B.
Divett, E.
Donkin, Sir R. S.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dundas, F.
Du Pre, G.
East, J. B.
Eastnor, Lord Visct.
Egerton, W. T.
Elliot, Hon. J. E.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Dev.)
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzroy, Lord C.
Fitzroy, Hon. H.
Gaskell, J. M.
Goddard, A.
Gordon, R.
Gore, O. J. R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Greene, T.
Grey, Rt. Hon. Sir G.
Grimston, Hon. E. H.
Halford, H.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Herbert, Hon. S.
Hill, Lord A. M. C.
Hobhouse, T. B.
Hodgson, F.
Hogg, J. W.
Holmes, W.
Hope, Hon. C.
Hope, H. T.
Hope, G. W.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howick, Lord Visct.
Hughes, W. B.
Hurst, R. H.
Hurt, F.
Hutton, R.
Ingestre, Lord Visct.
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Kemble, H.
Kinnaird, Hon. A. F.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Labouchere, Rt. Hon. H.
Langdale, Hon. C.
Lascelles, Hon. W. S.
Law, Hon. C. E.
Lemon, Sir C.
Lennox, Lord A.
Liddell, Hon. H. T.
Loch, J.
Lockhart, A. M.
Lowther, Hon. Colonel
Lowther, Lord Visct.
Macaulay, T. B.
Mackenzie, T.
Mackinnon, W. A.
M'Taggart, J.
Mahon, Lord Viscount
Manners, Lord C. S.
Marshall, W.
Mathew, G. B.
Maule, Hon. Fox
Melgund, Lord Visct.
Mildmay, P. St. John
Morpeth, Lord Visct.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Ossulston, Lord
Oswald, James
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmer, G.
Palmerston, Lord Vt.
Parker, J. (Sheff.)
Parker, M.
Parker, R. T.
Parnell, Rt. Hon. Sir H.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Colonel
Philips, M.
Philips, G. R.
Pigot, D. R.
Pinney, W.
Plumptre, J. P.
Polhill, F.
Powell, Colonel
Power, James
Praed, W. T.
Price, Sir R.
Price, R.
Pryme, G.
Pryse, P.
Pusey, P.
Reid, Sir J. R.
Rice, E. R.
Rice, Right Hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, Rt. Hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Sandon, Lord Visct.
Sanford, E. A.
Scarlett, Hon. J. Y.
Scrope, G. P.
Seymour, Lord
Shaw, Right Hon. F.
Sinclair, Sir G.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Stanley, Lord
Stanley, Hon. W. O.
Steuart, R.
Stewart, James
Stuart, W. V.
Stock, Dr.
Strangways, Hon. J.
Strutt, E.
Sturt, H. C.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, Rt. Hn. C. P.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Verner, Colonel
Verney, Sir H.
Waddington, H. S.
Walker, R.
Wall, C. B.
White, A.
Wilbraham, G.
Wilbraham, Hon. B.
Williams, R.
Williams, T. P.
Williams, W. A.
Wodehouse, E.
Wood, C.
Wood, Colonel T.
Wrightson, W. B.
Wynn, Right Hon. C. W.
Yates, J. A.
Yorke, Hon. E. T.

Tellers.
Fremantle, Sir T.
Stanley, E. J.

POST OFFICE ACTS.

On the motion of the CHANCELLOR of the EXCHEQUER, Order for receiving Report, read.

Upon the question being put, "That the Report be now brought up," —

Mr. GOULBURN said: — I can assure the House that, whatever might have been my wish at an earlier period of the evening, at this late hour I will endeavour to confine my observations within the narrowest possible compass. Those Honourable Members who have read the resolutions of which I have given notice, must be aware that the object which I have in view is to obtain the postponement of the measure which is now under consideration. I have no desire to express an opinion hostile to the establishment of a uniform rate of postage, whenever proper materials shall be provided for carrying such a measure into effect; the House having before it a full statement of all the consequences of such a step, — more particularly those consequences which will follow from the revenue being diminished. I state, in the resolutions which I have to submit to the consideration of the House, that, at so advanced a period of the Session, we have no fair opportunity of examining the details of a measure so important and extensive; and that we have no opportunity — no possibility — of discussing the great financial question connected with this subject. I confess I never expected, till I heard the matter casually noticed by the Noble Lord some time ago, that any plan for establishing a uniform rate of penny postage would have been submitted to Parliament in the present Session. Nor was that opinion unnatural. I had heard that the Noble Earl the Postmaster General, in the other House, had stated, as his opinion, that the plan which has since been brought forward was a wild and visionary scheme; and I had seen every Member of the Government, in the Committee on Postage, vote against the plan which was under examination; and this, not on one occasion only, but whenever the proposition was brought forward for any reduction of postage. I therefore understood that the Government were hostile to the plan; and I, consequently, did not expect that they would have acted on the recommendation of that committee; — still less did I expect that, in the present Session, we should be called on to give effect to a measure far beyond that which the committee suggested, and, as I shall presently show, completely at variance with their views, which, in this respect, accorded with my own, — that the state of the revenue should be considered in dealing with a question so materially affecting it. But if I had no expectation that this proposition would have been so brought forward in the present Session, I did expect that, whenever it was to be brought forward, the Government would be able to state fully the details of the measure, and the means by which they proposed to carry it into operation. I learn, however, from the Right Honourable Gentleman the Chancellor of the Exchequer, that, instead of having a measure complete in its details submitted to our consideration, we are merely to have a Bill, by which it is proposed to confide to the Treasury the absolute power of making such arrangements, as the Government may see fit, for establishing a uniform rate of penny postage at some future period. This is not a statesmanlike mode of proceeding. I say, this is not a safe course to follow. It is not safe for this House to divest itself of its constitutional authority, and to delegate to a Board of Treasury the powers which we ourselves are bound to exercise as the representatives of the people; and, above all, it is not safe to vest in the Board of Treasury a power to relax duties which have been sanctioned by Parliament. If there be one subject more than another, in regard to which the House ought to be tenacious of its rights, that subject is the taxation of the people; and if there be one duty more than another which the House is bound to discharge, it is that by which those burdens are imposed and by which they shall be relaxed, and the consideration of those rules and regulations under which such relaxation shall take place. This duty we are bound not to delegate to any body of men whatever. But, if I understood the Right Honourable Gentleman the Chancellor of the Exchequer aright, a different course is to be pursued on this occasion.

It appears that the Right Honourable Gentleman is not prepared with the details of the measure which he has introduced; and that he only proposes to take, by a Bill, the absolute power of making, during the recess, such arrangements as may be deemed necessary for carrying his plan into operation in December. Does the House know the extent of the various interests involved in the consideration now before it? I have been the whole morning engaged in receiving deputations from persons who feel themselves likely to be aggrieved by the adoption of the plan, — whose interests are materially involved in the question, whether the plan is effected by one mode or the other. The paper makers are afraid that a monopoly will be created in favour of one or more individuals, to the great detriment of the interests of the others. The stationers' great objection is to the employment of stamped paper. I will

not, at this late hour, enter more fully into this part of the case; but will merely state that the parties have satisfied me that some persons, if one course should be adopted, and that others, if another course should be followed, will be involved in great losses, and that not a few will meet with irretrievable ruin. I asked these parties whether they had not represented their case to the Chancellor of the Exchequer? and whether they were not satisfied to trust to his discretion? I was met with one universal shout of distrust. They said that they had representatives in Parliament, and it was their right to call upon them to protect their interests; and that, by their representatives, they had a right to a voice in deciding whether one method or the other should be adopted. In pursuing his present course, my Right Honourable Friend precludes all discussion, and the House is deprived of the means of exercising its duty; while it is proposed to give to the Government, a discretion which it is unsafe to intrust to any Government. No Government ought to have the power to execute such a plan; and to say in what cases, and in what form, it shall be adopted. This is not only an evil in itself, but it is abominable as a precedent. There is, in the present day, a tendency to get rid of the business of the Government in this House, — to avoid, as far as possible, prolonged discussion, to which that business necessarily gives rise; and if we once refer questions to the Treasury, to determine, at their absolute rule and discretion, the course to be adopted, not only will the question of postage and other matters of revenue be thus referred, but other great questions will be committed to them, on which it is the duty of the House to decide, and which the claims of our constituents and of the country require to be considered in this House. All that I ask for is delay; and, in order that there may be time for consideration, that there may be a postponement of the resolution. And what are we called upon to do? The Right Honourable Gentleman does not profess to be able to carry out any new arrangement of the Post Office till next year; and why should we not, at the commencement of the next Session, when all the interests will have been submitted to the Government, enter upon the question in something of a businesslike manner, and let the people understand the principles on which we intend to proceed?

But great as are the evils of legislating without a full knowledge and discussion of the details of the subject we legislate upon, there are other and greater objections to this measure. I allude to those considerations of a financial character, which were briefly sketched in the former debate. Let the House recollect that we have been labouring, during the last three years, — or, at least, that this is the third year, — with an expenditure of the country which exceeds the income. For the last three years we have abandoned the duty — the paramount duty — of Parliament, to equalise the expenditure with the income, and, if the revenue should fall short, either to reduce the expenditure or to increase the receipt to an amount adequate to meet the different expenses of the country. It has been said, that these deficiencies are of a temporary nature. My answer is, they have lasted, already, three years; and if you give effect to the resolution now under consideration, so far from a temporary deficiency, you do all you can to make that deficiency, which has endured for the last three years, continue, at least, for ten years. It is calculated that the deficiency caused by carrying out this plan will be 1,000,000*l.* or 1,500,000*l.*; there has been already 2,000,000*l.* or 3,000,000*l.* deficiency; so that, by adopting this plan, you do involve yourself in this evil, — that in the next year you will have a deficiency of 3,000,000*l.* or 4,000,000*l.*; and in the following year the deficiency may not be 1,500,000*l.*; but if it be only half that sum, you will have, before the end of the term I have stated, in addition to the present default, a deficiency of not less than 7,000,000*l.* or 8,000,000*l.* That deficiency must be supplied by a new issue of Exchequer bills, or by a new creation of debt, although at the present time we are labouring under more than can be conveniently dealt with. The Right Honourable Gentleman proposes to meet this deficiency by a pledge of the House to replace it. But if I originally felt any doubts as to the propriety of such a step, my opinion was confirmed when I found that every Member who spoke, even on the Ministerial benches, objected to it also; whilst some considered it absolutely unnecessary, others avowed that they would adopt this as a mode of forcing a reduction of the expenditure. The course we are about to pursue, — of involving the country in a fresh reduction of income, when there is already a deficiency, — is altogether new in the annals of the finances of this country. When such a proposition was made to Lord Althorp, no one deprecated it more than that Noble Lord. When that Noble Lord was called upon to repeal the malt tax and the window tax, he used his utmost endeavours, and with success, to prevent the House agreeing to such a

proposition. He did this, too, in the year 1833, when the country was not labouring under any deficiency, but when there was a surplus of 700,000*l.* Let the House look, also, at the conduct of my Right Honourable Friend near me, when placed in great difficulties. Did he endeavour to curry popular favour by the repeal of a tax, which, to his own adherents, was greatly obnoxious? No: he told you to beware of making any reduction unless there was a surplus; he told you to beware of embarking in that popular but dangerous system, which says that every reduction in taxation will repay itself. This has been the uniform doctrine of every person who has administered the Exchequer; and it has been their uniform doctrine, because the contrary course would be both dishonest and ruinous. You have no right to make any reduction in the funds out of which the public creditor is to be paid, unless you have a revenue more than you require for that purpose. The amount of income is now 600,000*l.* less than the expenditure; yet, still, with this deficiency it is proposed still further to decrease the income, by more than 1,500,000*l.*, and so neglect one of the first duties of a Government — which is this; — to have such a sum in hand as will meet all its legitimate engagements. But if the course proposed by the Right Honourable Gentleman the Chancellor of the Exchequer be dangerous, with regard to the present state of things, unsupported as it is by any financial authority, — how much more dangerous is the first step in a course of precedents? Nothing is more easy, and nothing is more popular, than to come forward to propose a repeal of taxes. Nothing is more strongly tempting to a Government, and especially to a Government that may be in difficulties, than to throw away 2,000,000*l.* or 3,000,000*l.* by the repeal of taxes. It matters not whether it is to be done in respect of a tax such as this, which, I admit, presses on all classes, and particularly the poor, or the malt tax, which taxes the natural beverage of the country, or the cotton tax, which prevents the extension of employment, and of the industry of this country. Whether it be one or the other, the principle, if once admitted, would extend to this, — that in every case the Government must obey the calls upon them for reducing taxation, when the demand is urgent; and instead of resisting the cry, is to yield to it, — even though, as in this case, the conviction of the Government be opposed to such reduction.

[Cries of "Oh, oh!" from the Ministerial benches.]

I believe it is against their sincere conviction — for I am sure my Right Honourable Friend would not embark willingly in a course which he thought inconsistent with public faith. If the Ministers of to-day repeal the Post Office Acts, which yield 1,500,000*l.*, what will their successors do to-morrow?

[Loud cries of "Hear, hear!" from the Ministerial benches.]

The cry for the remission of taxes would be great; a multitude of petitions will crowd upon your table, as was the case in 1835, when innumerable petitions on the malt tax were presented, and when the country teemed with efforts for the repeal. And if it is found that there is a precedent of a Government, in a time of deficiency, once yielding to the cry for repeal to the extent of a 1,500,000*l.*, — and that against their own mature judgment, — let them only see the position in which they would thus place their successors, who, having no surplus, still would be driven to follow this precedent, and to take a course which they believe to be dangerous. I trust there are not men in this House who would allow such influence to prejudice their conduct. But there may be times when men will be found too glad to avail themselves of such an opportunity, and, by a vote, popular for the moment, endanger the great financial interests of the country. It is from the apprehension of the consequences that might result from such a course, and from a conviction of the mischiefs that must attend it, that I am induced to hope that the House will adopt the resolutions which I shall have the honour to submit to their consideration; and which will have the effect, not of defeating the principle of a uniform penny postage, if such a measure, on mature consideration, should prove to be best adapted to the real interests of the people; resolutions which are not intended to prevent the remission of the tax when the revenue shall be in a fit state to suffer such diminution; but which will give time for deliberation, and to consider whether the revenue will recover from the depression under which it now labours? and, then, whether, and by what means, you can compensate the state for the loss of this particular tax, which it is proposed should be abandoned, and, also, whether there are means of arrangement that shall be freed from the objections to which this particular plan, at first sight, — it being impossible to give it, at this moment, that attention which it requires, — is open? I have said that this proposition of the

Government has not even the authority of the select committee which sat upon the subject of postage. That committee merely recommended that, so soon as the state of the public revenue shall admit of a reduction of taxation, it will be expedient to lower the rate of postage to 1*d.*, subjecting all inland letters to a uniform rate of 1*d.* per half ounce, increasing 1*d.* for each additional half ounce; but, with very proper caution, they say, "provided the necessities of the state and the means of the revenue will admit it." They distinctly state that the revenue shall be the first consideration; and in a subsequent resolution they recommend, in the first instance, the adoption of a rate of 2*d.* I do not think that, consistently with the terms of the Report, the committee can be said to recommend even the adoption of a twopenny rate at once. The condition set out in the first paragraph, — namely, "the state of the public revenue," — appears to me to be applicable to the whole question, and even to suggest an obstacle to the adoption of a twopenny rate, until there shall be surplus revenue sufficient to cover the deficiency which this reduction in the rates of postage might produce. It may, perhaps, be argued that the committee recommend the immediate reduction of the rates of postage to 2*d.* If such were the views of the committee, I must say that my opinion differs from theirs. My view in this respect,—and I believe the Right Honourable Gentleman the Chancellor of the Exchequer agrees with me, — is, that the loss would be greater under a twopenny rate than under a uniform rate of 1*d.*; but if the committee, acting on the common sense view of the case, and believing that the rate of 2*d.* would produce more loss to the revenue than the penny rate, has so reported, they could not have intended to give their sanction to any change until the public revenue should be in a state to admit of the full reduction. The question, then, is, — Does the revenue wear such a flourishing appearance at the present moment as would justify a reduction of 1,500,000*l.*, when we have, besides, to provide for a deficiency of 2,000,000*l.*? I certainly am not of opinion that it does; nor do I think that the House can, on due consideration, agree to a course so unjust to the public creditor. I am determined, at all events, to record my own opinion; and I believe that there are many persons throughout the country, who, however desirous they may be for the adoption of a uniform low rate of postage, yet, when they come maturely to consider the question, — to understand it thoroughly as to its bearings on the public faith and credit, — the manner in which it will impair the resources of the country, — I have no fear that, when they come to discuss these questions, they will soon perceive that this is not the time to enter upon a measure of such complicated bearings and grave importance. I have thought it right to say thus much, generally, for the easement of my conscience and for my own satisfaction; and when the consequences of this measure shall be felt,—and I believe they will be felt deeply,—I shall have the proud satisfaction of knowing that I gave my counsel for the postponement of this measure, so as to give the country the opportunity for full consideration; and when that evil day shall arrive, — which I hope will be long averted, — I shall have the satisfaction of feeling that I, at least, am entirely free from blame. At this late hour of the night, I will not detain the House further; but beg, now, to propose my amendment, — namely, to leave out from the word "That" to the end of the question, in order to add the words "it appears from the finance accounts of the United Kingdom laid upon the table of this House, that the excess of expenditure over income for the year 1837 was 655,760*l.*; and for the year 1838, 345,227*l.*

"That, from a statement submitted to this House by the Chancellor of the Exchequer, the excess of expenditure over income, for the year ending the 5th day of April, 1840, is estimated at not less than 860,000*l.*,— making a total excess of expenditure over income in the three years ending the 5th day of April, 1840, of not less than 1,860,987*l.*:

"That the Select Committee appointed to inquire into the present rates and mode of charging postage, with a view to such a reduction thereof as may be made without injury to the revenue, reported to this House, on the 13th day of August, 1838, as follows: —

"'That your committee are of opinion that, so soon as the state of the public revenue will admit of the risking a larger temporary reduction, it will be expedient to subject all inland letters to a uniform rate of 1*d.* per half ounce, increasing at the rate of 1*d.* for each additional half ounce:'

"That the net revenue of the Post Office, for the year ending the 5th day of January, 1839, amounted to 1,656,998*l.* 15*s.* 3*d.*:

"That it is the opinion of this House, that, with a deficiency of revenue, during the three years ending the 5th day of April, 1840, of not less than 1,860,987*l.*,

it is not expedient to adopt any measure for reducing the rates of postage on inland letters to a uniform rate of 1*d.* (thereby incurring the risk of great present loss to the revenue), at a period of the Session so advanced, that it is scarcely possible to give to the details of such a measure, and to the important financial considerations connected with it, that deliberate attention which they ought to receive from Parliament," instead thereof.

Upon the question being put, "That the words proposed to be left out stand part of the question," —

The CHANCELLOR of the EXCHEQUER said: — Sir, I must certainly confess, after the declarations of hostility which were made by the Right Honourable Baronet the Member for Tamworth, on a former evening, when this subject was under discussion, I feel altogether astonished at the modified shape in which the opposition is now brought forward by the Right Honourable Gentleman; and that we are called upon — not to discuss this question in the manner which I was led to expect from that previous declaration of war, but — to meet it in the more simple form of resolutions for postponement. The Right Honourable Baronet was far from declaring that the measure was not likely to give contentment to great numbers of people out of doors, or from denying that it would go far to satisfy many of their representatives in this House. He placed his objections, not on the grounds now stated by the Right Honourable Gentleman opposite, — not on the lateness of the Session, — not on objections to the principle of a measure, which was to introduce changes in an Act of Parliament, being put into the hands of the Treasury; — but he founded his objections on two main considerations. The first was, that there should be a surplus revenue equal to that which might be expected to be lost. The other was the contemplated imposition of a tax to supply the supposed deficiency. I can understand, perfectly well, both these grounds of objection, — but they are totally different from the others; and I can also very well understand the principle of prudence which has, at length, induced the Right Honourable Gentleman and Honourable Members opposite to take their stand against the measure on the principle of postponement, rather than on the more direct and tangible ground originally mooted by the Right Honourable Baronet. I will put the question to them practically. I will put it, first, contingently. I do not imagine that there possibly can be many persons in this House, who expect that, in the next year, the revenue will present such a surplus as will be equal to the amount which they propose to risk by adopting the penny postage. How, then, can we attempt to legislate upon the principle of such a contingency? Well, then, let us take the other ground, — that we should come down and ask, contemporaneously with the adoption of this measure, for the imposition of a tax to the full extent of the possible deficiency, before it can be known whether there will be a deficiency to justify such tax, or not. Suppose I had proceeded on such principles, — what would have been the consequences? Should I not have found from Honourable Gentlemen opposite, — I take this on their own showing, — if I had now proposed the imposition of a tax to the amount of 1,500,000*l.*, — should I not have found the most strong, and, I might add, unanswerable opposition against the imposition of a tax sought to be so imposed, without experience to justify me in calling for its enactment?

[Cries of "No, no!" from the Opposition benches.]

I thank Honourable Gentlemen opposite for that expression of their opinion, — for their implied consent to the imposition of a new tax.

[Cries of "Hear hear!"]

Let any of them get up to follow out their feeling, and move an amendment for the imposition of a specific tax, of any kind, to the amount of 1,500,000*l.*, — making it a security tax for this special measure, — and I will support it. There must be many Honourable Members anxious to avail themselves of this offer, and who are merely restrained by the inconvenient forms of the House from coming forward with a motion for this purpose. But I ask you, one and all, Will you support the imposition of a new tax to the extent of 1,500,000*l.*, — the success of the experiment which may require it, being, as yet, untried? And, no man being able to say to what extent the deficiency will be, will you support the imposition of such a tax as a guarantee? I know you will not. As men of sense and practical wisdom, I know you will not. I know this full well, without your contradiction. Then what is the meaning of the postponement to the next year? Because, next year, if your argument be of any use, you will find yourselves in precisely the same situation as now, unless you have a

surplus revenue to the amount of the anticipated deficiency. Then, in point of fact, the question of postponement is a convenient way of saying to the public, — "We do not choose to hazard our popularity by opposing this proposition."

[Cries of "Oh!" from the Opposition, and, "Hear, hear!" from the Ministerial benches.]

But, I say, will you — will any one Honourable Gentleman opposite — show me that, next year, you will be placed in any other position than that of the present Session? If you cannot, — your resolutions for postponement are not brought forward with any sincere feeling that this is not the time to legislate on the question; but, for the mere sake of division. The speech of the Right Honourable Gentleman has only confirmed me in the determination I stated to the House before, — and I thought, wisely and justly, — that I would not bring forward this question until the House and the country should be made fully and accurately aware of the financial condition of the country. I thought it was my duty to give the country and the House an opportunity of knowing how these matters stood, before a vote was taken that must risk a considerable amount of public revenue. In replying to the observations of the Right Honourable Gentleman, I feel that I labour under a considerable disadvantage; because, from the manner in which the opposition is conducted, I am compelled either to answer, by anticipation, objections that may be urged, or allude to statements that have been made in the former discussion of the subject. I may, however, say that, if this question were merely as to the reduction of the duty upon letters, no doubt all the petitions presented, both to-night and on former occasions, and the feeling which exists in and out of Parliament, in favour of that measure, would be fully justified; for who can doubt the benefit to result from the reduction? Who can doubt that it would confer a great boon on the whole population? In ordinary questions of taxation, undoubtedly, to the philosophic inquirer and to the statesman, the benefit of a reduction must be apparent. But, probably, the benefit would extend to only one branch of trade; or, at least, it would be some time before the whole community would derive advantage from it. But, in this case, the whole population, instantly and directly, will be relieved. Repeal the tax upon the transmission of letters, and scarcely an individual is there who will not reap advantage from it. This is not a question of reasoning, or of inference, or of close and minute analysis; but it is a question of demonstration. The party who could not write a letter previously, will have an inducement to write, from the means of sending and receiving a letter at a lower rate of duty than heretofore. If, therefore, it were a mere question of reduction of duty, it would be taken at once as a boon, and but few words would be said upon it; just a short acknowledgment of the boon, and perhaps a slight tender of thanks to the Government for granting it, and the matter would be forgotten. But I have not treated the question in that way; and I ask Honourable Gentlemen whether I have not brought it fairly and honestly before the House? Did I go in quest of that popularity of which the Right Honourable Gentleman supposes me to be so enamoured? If I had done so, I might have been spared some of those taunting cheers which were levelled against me from both sides of the House on the former evening. I have not disguised from the House the fact, that this was not a question simply of the reduction of the duty on letters, but of the imposition of a great and heavy tax to the amount of the loss which it will occasion to the revenue. I have never disguised that fact. There are Honourable Gentlemen present, who have communicated with the Government from the first to the last upon this subject since it was started; and I now appeal to them whether, at this hour, I maintain any other language than that which, from the first, I have felt it my duty to use? If it had been a question of popularity with me, I should not have wanted plausible arguments. I might have raised the popular feeling in my favour, by telling the House and the public, that, while the free communication of letters would not only add much to the pleasure and comfort, but to the information, of the people, the loss to the revenue would be but temporary, and that it would soon be repaid by the increased correspondence. But I have done no such thing. While I have never undervalued or disregarded the advantages of the plan, as ascribed to it by its ardent promoters, I, at the same time, both in and out of the House, have always maintained the same language, and said that it would entail a great sacrifice of the public revenue; and, unless the House of Commons was prepared to give a guarantee to make good the deficiency, I was not the individual who would feel warranted to make the proposition; and I trusted that no majority in the House of Commons would

ever be found to support or sanction it without such guarantee. If, by maintaining that language, I have exposed myself to that which has happened to me on former occasions, — to have a fire from the back as well as the front, — it is too bad, now, for the Right Honourable Gentleman to tax me with seeking popularity in bringing forward this proposition, which I do in frankness and good faith, making no attempt to entrap the House into supporting it by disguising the facts, or withholding any information which it is in my power to give.

Having, then, no doubt that the plan will entail a loss on the revenue, I think it is the duty of the House to guarantee the amount. But here I am at issue with the Right Honourable Gentleman, and, I regret to say, with some of the friends of the proposition. If the guarantee I ask for is a guarantee which will be performed, the argument of the Right Honourable Gentleman is absolutely good for nothing. If this resolution be carried, and a Bill founded on the resolution shall be brought in and become part of the law of the land, and contain in its recital that you, the House of Commons, are resolved to make good any deficiency in the revenue occasioned by the change, — and if, upon such a resolution, the Parliament can be called on to act, and will act when called on, — then the Right Honourable Gentleman's appeal to the public faith, and his argument, cease to be applicable; because, then, the public faith will not be endangered, the public credit will run no risk, and the public service will not be exposed to risk or inconvenience. But I am told, or have been told, that this resolution means nothing. The friends of the proposition never committed a greater mistake than when they argue that the plan will succeed, and that there will be no permanent deficiency in the revenue of the country, but a great and gradual improvement of the revenue; while at the same time they object to giving a guarantee, which, in point of fact, as they say, will be a guarantee against a non-existing deficiency, and one which will never occur. But while I admit, with the Right Honourable Gentleman opposite, that there must be a loss, — having never palliated or disguised that fact, — while at the same moment I ask for a security, — I must maintain, that those who say there will be no loss, and yet refuse to consent to a guarantee against loss, are putting in peril the very proposition which they are anxious to see carried. I will submit to the House a very few details, which, I think, are material to the vote about to be given. I find that, taking the Post Office revenue from 1834 to 1838, it has been, invariably, an increasing revenue. The gross revenue has increased from 2,079,000*l.* in 1834, to 2,212,000*l.* in 1838. But how has it increased? Precisely in those branches of revenue in which the largest reductions have been made in the rate of postage. It will be said, that, when I admit an increase in the gross revenue, I, to a certain extent, disarm myself and those who support me of part of our argument. But if I show that the increase of the revenue is mainly to be traced to those branches of the Post Office in which reduction of postage has taken place, I think I shall support the argument, not of those who tell the House that no loss will be sustained, but of those who say that there will be found in the elasticity of this revenue the means of making up the deficiency; that, however, is no argument against a guarantee, but one, rather, in its favour. Take, for instance, foreign and ship letters, on which a large reduction of postage has taken place, — and it will be found that that branch of the Post Office revenue shows a very great increase. Taking a limited period of 1838, and the corresponding period of last year, I find that in ship and foreign letters the receipts for the first period were 88,000*l.*, and for the last 103,000*l.*, — this being the largest increase which has taken place in any department in which a reduction has been made. To translate this into numbers, showing the number of letters outwards, affected by this reduction, it will be seen, that from 1838 up to 1837, this particular class of letters has augmented from 42,000 to 167,000 within the year, — being an augmentation close upon fourfold, — and this, too, upon a reduction infinitely less than that I now propose, and consequently one which by no means measures the increase of correspondence likely to take place under the proposition now before the House. My Right Honourable Friend has said he has had opportunities of conversing with various members of various trades, whose interests will be affected by the proposed change. If the question now to be decided were, absolutely, that certain stamped covers, or Mr. Dickenson's envelops, should be adopted, and that that plan should be binding on the House, I should not be surprised at such apprehensions; but at the same time I must say that these great interests, which are now for the first time beginning to exert themselves, have been singularly remiss, hitherto. Have they not read the numerous discussions on this plan that have taken place, in the public papers? Have they heard nothing of Mr. Rowland Hill and his plan? have they not known

of the meetings that have taken place out of doors, or of the numerous petitions that have been presented to this House? and have they heard nothing of the Committee of the House of Commons on Postage? It does appear singular, that, with all these advantages, with their various means of information, and feeling how deeply, therefore, their interests would be affected, that the parties should have slept till the twelfth hour, and that they should only now have aroused themselves to a sense of their danger. The Right Honourable Gentleman has said that he proposed to these parties that they should communicate with the Government, and submit their case to the Chancellor of the Exchequer, — at which latter proposition they set up a shout of dismay.

Mr. GOULBURN. — I did not say that the feeling was directed against the Right Honourable Gentleman, but against the plan of Mr. Rowland Hill.

The CHANCELLOR of the EXCHEQUER. — Without meaning any disrespect, it would seem that these gentlemen had had some experience, if not of himself, certainly of other previous Chancellors of the Exchequer. Probably, from their better acquaintance with others who have held that office, they inferred that I should follow the same course which they thought others would pursue. But I pass that by. The Right Honourable Gentleman seems to have forgotten the powers that I ask for. What I ask is, that the Treasury may be put in possession of power to take the earliest steps towards a trial of the experiment; but I have not asked, nor would I accept, if Parliament were disposed to offer it, an irresponsible and irretrievable power. I want only power to deal with the plan between this and the next Session of Parliament. I do not call for an absolute reduction, and say that it is unnecessary to look further. No such proposition has been made by me — *non meus hic sermo*. I will take no step without the distinct approval of Parliament, and the pledge of this House to make up any deficiency that may arise. My proposal is, to confide to the Treasury, power to proceed, during the recess; and that no reduction of duty which they may make — no order which they may give — shall have effect beyond the ensuing Session, — giving the Parliament the full power to reconsider the question, and to decide upon the result; — and this is absolutely necessary, if Parliament intend to legislate on the subject next year. This is not a mere question of postponement till the next Session; there is not an argument that would not apply as strongly then, as now. If, therefore, you do refuse to give to the Treasury that power and authority which we now ask of you, you do postpone this question, not until the next Session, but for an indefinite period. I entirely concur with my Right Honourable Friend in the praise that he has bestowed on a Noble Friend of mine, whom I never hear praised without feelings of satisfaction, and for whom I entertain the strongest feelings of reverence and respect, — I mean Earl Spencer. The Right Honourable Gentleman has asked why I do not follow the example of Earl Spencer, when he resisted the repeal of the malt tax? and of the Right Honourable Baronet, who resisted a proposition made to him, when in office, for the repeal of the same tax, although he was urged to that step, by many of his most ardent supporters? When the question is, the taking off a tax, or leaving the public creditor unpaid, why do you not manfully resist the popular but dangerous demand? But the question, here, is different. The repeal of the malt tax would have been attended with an absolute and certain loss of revenue. The proposition for the purpose of reducing the malt tax was made, in the first instance, by the Honourable Baronet the late Member for Lincolnshire (Sir William Ingleby), and, subsequently, by the Noble Marquess the Member for Buckinghamshire; but when these propositions were made, neither of them was accompanied with a pledge that the Parliament would make good any deficiency that might arise in consequence of the repeal of that tax. That was, no doubt, the more simple and the more direct course; but still it would and must have been attended with great prejudice to the public revenue. It would have been attended with an absolute loss of revenue, and the amount was known: but this is not the case with regard to the present proposition; while, at the same time, it is accompanied with the declaration of this House, that it will make good any deficiency that may arise from its adoption. Well, then, I ask again, will not Parliament keep to its pledge? If they pass the Bill, will the two Houses forget to act upon its results? Those who believe this, do throw a discredit on the country which I should be sorry to see justified. But, for one, I feel a perfect confidence in the integrity of Parliament; and if I did not, I would not propose these resolutions. I know that Parliament will retrieve any deficiency that may arise in the revenue, in conse-

quence of the adoption of this plan. My opinion does not rest on mere assertion, or a servile dependence upon party support, or on any unsatisfactory ground; but, in part, on the many petitioners who pray for this plan, — those honest petitioners who have stated that, whilst they look to the reduction of the duty on letters as a measure in which they are greatly interested, they feel it their duty to give a pledge that, if the revenue suffer, the deficiency shall be made good by the public. I have now to express to the House my thanks for the attention with which they have heard the observations I have addressed to them, and the opinions I have expressed, — opinions which I desire may be placed upon record, as my Right Honourable Friend has put on record his resolutions. I wish to put on record, distinctly, that the adoption of my resolutions involves a pledge; and, if it did not, I trust I should not be the person to propose those resolutions. That pledge I know the House will not disregard. Indeed, I will not allow you to disregard it merely in argument; — I will not accept of such arguments. Vote against the pledge if you will; but the moment you throw over the pledge, I throw up the resolution. Then, I invite Honourable Gentlemen on both sides, to come to an issue with me on that question. If they do not mean to observe that pledge, then let them vote against it; but if they do, I, — a popularity seeking Minister, as you say ——

[Cries of "Hear!" and laughter.]

— if that pledge be thrown aside by the House of Commons,—will throw aside the resolutions. Upon me, individually, I am content that the whole unpopularity — and I know it will be great — of the rejection of this measure, and of the prayer of the petitioners who have addressed the House, — that the whole of that unpopularity should rest upon me; and I would infinitely rather it should, than that any misconception should by possibility arise upon the terms of the resolution, or the intention of the Government who proposed it.

SIR R. PEEL. — It is one of the inconveniences of the proposal which the Right Honourable Gentleman has made, that we should be called upon to commence a discussion upon this subject at eleven o'clock at night, after having been engaged in an important debate on another subject; and if I had been disposed to take a party advantage, — as has been alleged against me, — nothing would have been more easy than to have raised this as an objection against taking into consideration this measure at such a time. I was surprised to hear the Right Honourable Gentleman refer to the debate of the other night, and affect to find something inconsistent in what I stated then, with the course that my Right Honourable Friend has now pursued. Was I, then, bound to state every objection that I might entertain to the proposition? But was not the Right Honourable Gentleman's course, in bringing forward the Budget, an extraordinary one? Did he not, instead of confining himself to a financial statement, mix up a resolution respecting the Post Office with the Budget? Would it, then, be fair for the Right Honourable Gentleman to say, "I bind you down to the course you took on another evening; — you shall not take any other ground of objection?" The Right Honourable Gentleman does not argue that the amendment is inconsistent with the resolution; but all he states is, that he does not think that I urged the objection, on the former evening, which is involved in my Right Honourable Friend's amendment of to-night. But I did. I did not, then, state any objection to the principle of the plan; but I stated that a fatal and insuperable objection to it, in my mind, was, that, at the present moment, with a deficiency of nearly 1,000,000*l.* in the revenue of the country, and at this period of the Session, — the House having no means or opportunity of deliberating upon the financial considerations, and the details involved, — I did object to being called upon to pledge ourselves irrevocably to the proposed plan. What is there, in this amendment, inconsistent with that objection? Is it not an objection, that the plan proposes that large discretionary powers shall be confided to the Government? Is it not a novel proposition, when a measure is brought forward, to take the consideration of its details out of the hands of Parliament, and to devolve that responsibility upon the Government? I take the case of the paper makers; and, I ask, — will the House divest itself of its functions, so far as these regard the consideration of to what extent the arrangements that may be made will affect that branch of manufacture? But the Right Honourable Gentleman (the Chancellor of the Exchequer) says, "What have the paper makers been doing all this time? Have they been asleep to all that has taken place on this subject? I answer—No. They have been well awake to the proceedings of the committee; and they found, in those proceedings, a reso-

lution, that it was not desirable to make the arrangement for reducing the rate of postage, until the state of the public revenue would admit of the alteration. They found the members of the Government, in that committee, voting against such a proposition as that now made; and they found that, on a proposition being made, recommending the reduction of the rate of postage to 1*d.* in all cases, the committee divided, and the Ayes were 4, and the Noes 6; but, among the latter, were two Lords of the Treasury and the President of the Board of Trade. Surely the Right Honourable Gentleman (Mr. P. Thomson) and his colleagues will not deny that they voted against that proposition in the committee up-stairs; and, if so, can you wonder that the paper makers took it for granted that the Government would not come forward and propose, in the House, that very measure against the adoption of which those members of the Government had voted in the committee?

The Right Honourable Gentleman the Chancellor of the Exchequer says that he asks for this discretionary power only until next Session of Parliament. But what is his resolution? Is it merely some expression of opinion as to following a course at a future period? No; the resolution which this House is called upon to affirm this night, is, — "Resolved, That it is expedient to reduce the postage charged on letters to one uniform rate of 1*d.*, charged upon every letter of a weight to be hereafter fixed by law, parliamentary privileges of franking being abolished, and official franking strictly regulated, — this House pledging itself, at the same time, to make good any deficiency of revenue which may be occasioned by such an alteration in the rates of the existing duties." This is no devolution of a temporary authority; and if the Right Honourable Gentleman tells me that this is merely an experiment, I say, he himself urges the strongest and most fatal objection to the scheme that could be brought forward; for if it be merely an experiment, then, I say, ten thousand times better would it be to defer the matter till the next Session; and then, being prepared with a statement of the probable amount of loss which the revenue would sustain, and the means proposed for meeting that loss, the Government might, upon its own responsibility, call upon Parliament to make — not an uncertain and preparatory experiment — but ask the House of Commons to consider the interests that will be affected, — to perform its proper and legitimate functions, — and to decide upon the course to be adopted. It is true that I stated, the other night, that I did think the course proposed by the Right Honourable Gentleman was most objectionable and fatal to the wellbeing of any Government, and of every future Government. I did think it most objectionable and most dangerous, that now, for the first time, with an admitted deficiency in the revenue of nearly 1,000,000*l.*, we should be called upon to place in hazard a revenue of 1,500,000*l.* This is the great objection to the Right Honourable Gentleman's proposition. This is not, moreover, an occasional deficiency of revenue; for, in 1837, there was a deficiency in the revenue; in 1838, there was a deficiency; and, in 1839, we are about to have an increased deficiency; — and, with these three instances of deficiency on record, the proposal is, now, that we should incur the hazard of a further loss to the extent of 1,500,000*l.* The Right Honourable Gentleman, in meeting the objection to this precedent, says this is a measure of general and extensive improvement; but are there not other taxes, the repeal of which might be urged on the same ground? Is this to be the general principle on which the remission of taxation is in future to be conducted? Is it only to become necessary to raise an outcry for the abolition of some particular tax, in order to have it taken off, with a pledge that Parliament will make good any deficiency which may be occasioned by its remission? This was just the course which was pursued in the first Legislative Assembly of France. They felt the evils of particular taxes, and at once proceeded to repeal every obnoxious impost, placing the redemption under the safeguard of the national honour; and they repelled with indignation the intimation, that the public credit might not be safe under such protection. This is the course which the Right Honourable Gentleman now takes, and this is the precedent which he proposes to follow! But is there no other tax which presses generally upon the public? Have we heard nothing about the window tax? Has nothing been said about the repeal of the duty on soap? Might it not be said, next year, with equal force, that no tax had ever pressed so severely on the working classes as the soap tax? Might it not be said that there were moral advantages to be gained by the remission of that tax? — that the cause of morality and cleanliness among the lower orders would be thereby advanced? — that it pressed unequally upon the poorer classes? — And, on these grounds, might not the House, with equal justice, be called on to consent to the re-

peal, — pledging itself to make good any deficiency in the revenue that might result from such a course? And how could you resist the precedent that you yourselves had set up? You make the proposition on a deficient revenue, in opposition to the recommendation of the committee, at a late period of the Session, when it is impossible to give to the subject its due consideration. I ask, Do you suppose that all this will not be quoted against you at a future time? Would you not, in the next Session, have the remission of the soap duty and the window duty urged upon the same grounds, and on the same condition, of the Parliament pledging itself to supply the deficiency which might be thereby occasioned? Surely, if the principle be a just one, it ought to be applied in all cases. This is the first time that Parliament, whether a reformed or unreformed Parliament, has taken such a course. Men of all parties, without reference to party interests, have hitherto agreed upon maintaining the obligations of the public faith with the public creditor. In 1833, when Lord Althorp was left in a minority on the question of repealing the window tax ——

The CHANCELLOR of the EXCHEQUER. — The malt tax.

SIR R. PEEL. — I believe such was also the case with the window tax; but — certainly — on the motion of an Honourable Baronet for a repeal of the malt tax being carried, Lord Althorp asked me whether I would support him in rescinding that resolution? I replied that, strong as the measure was, I did not think it safe for any Government to show an example of a deficient revenue; and, therefore, I would not let any difference of opinion upon other matters prevent me from supporting the Noble Lord. That was the principle then laid down, and which had the support of the colleagues of Lord Althorp, — and which I still maintain. I would appeal to what was then said by the Noble Lord the Secretary for the Home Department; and the principles which he then announced, are equally applicable to a remission of the Post Office duty, as they were in the case of the proposition for repealing the malt tax. There is no distinction. If those principles are sound, — and I say they are, — they apply as strongly in the present case, as in the difficulty under which Lord Althorp was placed with regard to the malt tax. Lord Althorp declared that he held it to be a sacred duty to resist the repeal of the malt tax, as the consequence must necessarily be a defalcation in the revenue; and he threatened to resign if he did not succeed in rescinding the vote to which I have alluded. He did succeed. I have heard it asked, what would the successors of the Government do in such a case? I ask, what did the predecessors of the Government do, also, with regard to the malt tax in 1835? Was it not expected that the fate of my Government would depend on that question? And what was the result? I received the support — in my opposition to the motion for the repeal of that tax — of many of those Honourable Members who were generally opposed to me; and I had a triumphant majority. The Right Honourable Gentleman may depend upon it there is no exception, in principle, for the Post Office duties. I might put in strong grounds of public convenience for the repeal of many other taxes. Take, for instance, the post horse duties, and the tax on stage coaches. Could I not make out just as plausible a case for the repeal of the post horse duty and the tax on stage coaches, as for this proposition? Could I not urge that they tended to prevent communication between one part of the country and the other; and that they fell with peculiar severity on the lower classes, whose labour was their capital, and who ought to be enabled to avail themselves of cheap modes of travelling, so as readily to get to the best markets for their labour? But, should I feel myself justified in calling for the repeal of these taxes, although I admit them to be most objectionable, merely because I might expect, at the same time, to obtain a resolution of this House, that, in case any deficiency should result to the revenue, the House would make it good at some future period? What said the Noble Lord on the occasion I have referred to? Let the Honourable Gentlemen opposite listen to the doctrines laid down by the Noble Lord, and benefit by them. The Noble Lord said, —

> The proposition of the Honourable Member for Lincolnshire, to commence the financial year with a *deficit* of 1,000,000*l.*, is one which, I trust, no Minister of a great nation like this will ever act upon, and no House of Commons ever sanction. It is a proposition which, if adopted, would deprive this country of respect at home and reputation abroad, and remove it from the noble station it has hitherto occupied among the nations of the world.*

In such terms as these did the Noble

* See MIRROR OF PARLIAMENT, Sess. 1833, vol. ii. p. 1486.

Lord deprecate a measure which, though there existed a surplus at the time, would have placed the country in a state of great financial embarrassment, by causing a deficiency of 1,000,000*l.*; yet, now, when there is actually a deficiency of nearly 1,000,000*l.*, you propose to increase that deficiency by, at least, another 1,000,000*l.* in one department alone. What, again, said the Right Honourable Gentleman opposite, at that time Secretary to the Treasury? The Right Honourable Gentleman, on that occasion, propounded doctrines of equal wisdom with those I have just read to the House. The Right Honourable Gentleman said, —

The Honourable Member for Middlesex has spoken of economical arrangements; he says, "Let us save what we can." That is the proposition of the Chancellor of the Exchequer. It is on that principle he has acted: we have saved 2,000,000*l.* in one year, and 1,000,000*l.* in another; and we have, too, been able to apply 3,000,000*l.* to the reduction of taxation. If the House of Commons can show any way in which, honestly, further savings can be effected, then, and not till then, can we propose a further reduction of taxes. But, Sir, I protest against this mode of proceeding. I ask, can it be thought wise, just, or prudent, to repeal a tax first, and then trust to economy afterwards?

[Loud cries of "Hear, hear!"]

Let the saving be first effected, or let your substitute be first provided, and then remit your taxes. But beware that, by a rash and hasty proceeding, you do not place the services or the engagements of the country in jeopardy.*

[Loud cries of "Hear, hear!"]

Nay, the Right Honourable Gentleman is so sensible of the continuous application of these doctrines, that in the course of his speech, this night, he has proposed to devolve his own proper duty on Gentlemen on this side of the House. The Right Honourable Gentleman said, addressing Honourable Members on this side of the House, "Propose a tax of 1,500,000*l.*, to be applied as guarantee for the deficiency, and I will support you." But I apprehend that it is rather the duty of the Right Honourable Gentleman to propose such a tax. If his conviction remain, that before you remit a tax you should provide a substitute; and as he has undertaken to support any such tax, if proposed by an individual Member of the House on the Opposition benches; let me ask, why does the Right Honourable Gentleman shrink from the performance of his proper functions? Why does he content himself with performing the pleasing task of remitting taxes, but leave it to his opponents to find the substitutes, which he admits to be necessary? The Right Honourable Gentleman seeks to console us, by referring us to the pledge. Now, I can say, with perfect truth, and quite irrespectively of the expected consequences, that the proposal would be abandoned without the accompaniment of the pledge; but I would say, that, if I were perfectly certain that the House was determined on making this experiment, my regard for the public creditor would lead me infinitely to prefer not to have the pledge at all. If the House were to give a pledge, that at the end of the next Session, or of the Session afterwards, if there should be a deficiency of revenue, they would undertake to provide compensation for it, — that would be a definite, intelligible pledge; but the pledge required by the Right Honourable Gentleman is, that the House will make good any deficiency of revenue that may ensue from the alteration in the existing rates of postage. Now, my opinion is, that if there continue to exist a general deficiency in the revenue, it will be the positive duty of the House to come forward and avert the evils that such a state of things must entail upon the country with respect to its public credit and its general economy. For three years we have had a deficiency in the revenue; and who does not feel that that is injurious to the national credit, and to the best interests of public economy? Now, what have you done? By maintaining the public credit, so that you have given satisfaction to the public creditor, and have preserved the public faith, you have been enabled to reduce 2,000,000*l.* of taxation, by reducing the interest of the national debt; and my Right Honourable Friend has told you that, if you maintain the same course, next year you might reduce the three and a half per cents. to three per cents., and thus relieve the country from a burden of 700,000*l.* a-year. Then, I say, if the deficiency which has existed in the last three years were to continue, — not to say increase, — I am sure that Parliament would feel itself bound, upon every principle of honour and national interest, to take into consideration the state of the revenue of the country, with a view to provide for the deficiency. But if I give a pledge, as to one particular case, to make good the falling-off on one particular branch of the revenue, I weaken the general pledge of Parliament, to make good the deficiency upon the whole. And upon the House being called upon to redeem its general pledge to maintain the public credit, it might be said, "Our pledge was not general, but for that particular *deficit* only; and the time has not yet arrived, when we should be called upon to

* See MIRROR OF PARLIAMENT, Sess 1833, vol. ii. p 1598.

meet any loss resulting from that particular branch of the revenue." The author of the plan, — Mr. Rowland Hill, — whose remarks it is impossible to read without being prepossessed in his favour, admits that the Post Office revenue may suffer; but he adds, that a great stimulus will be given to commerce, by which an improvement will be experienced in other sources of the revenue. But who is to determine what is the extent of benefit that the other sources of revenue shall derive from the alteration? How difficult will it be to say that any improvement in the other branches has been owing to this relaxation of Post Office duties! — and while that is doubtful, all may shrink from giving the required pledge. Any Member, having given the pledge for which the Government now ask, might say, when called upon, on a future occasion, to redeem it, — that he had only pledged himself to make good the particular deficiency caused by the Post Office reductions; and although there might be a loss on the revenue derived from the Post Office, other branches of the revenue might have received an equivalent compensation, and therefore that he did not conceive himself bound to make good his pledge. According to the views of one Honourable Gentleman, who is a great friend to the measure, the full effect of the plan cannot be ascertained for these three years. How, then, can we declare that any deficiency has been occasioned by the alteration, till the plan shall have been brought into full operation? Let nobody ask for the remission of any particular tax in the mean while, for it will be impossible to say whether it can be taken off, or not. There are other objections to this particular pledge. The parties who would be eventually taxed to supply the deficiency, might urge that they did not object to taxation for the supply of a general *deficit*, but that they did object to being taxed to make good a deficiency in the Post Office duties, because they had not received any equivalent or corresponding benefit.

Now, I would ask the Right Honourable Gentleman what tax he would think of imposing? There is, now, a deficiency in the revenue for three years of 1,800,000*l.*; and, next year, there will be a *deficit* of 1,000,000*l.*, without taking into consideration the estimate on this subject which has been made by Lord Ashburton; so that there will be a fourth year of *deficit*. Now, what tax does the Right Honourable Gentleman opposite propose? The Right Honourable Gentleman has said that there is a difference between political and financial considerations; but can the Right Honourable Gentleman propose the imposition of any tax which would not involve high political considerations? At all events, with a *deficit* of 2,000,000*l.* in five years, the Chancellor of the Exchequer, whoever he might be, would be called on to provide some remedy. The Right Honourable Gentleman seeks to pledge the House to provide the deficiency which it is admitted will follow on the adoption of this plan; but he does not mention the tax he has in contemplation. My belief is, that if it be intended to redeem the pledge, the House will pledge itself, by adopting the resolution of the Right Honourable Gentleman, to the imposition of a property tax; and, looking at the state of the public interests, and at the high scale of taxation upon articles which are the elements of manufacture and great consumption, possibly a property tax might be the wisest to be resorted to in such a case. But will the House impose such a tax, in order, merely, to raise one or two millions of money? Is it not better to leave so high a matter unembarrassed by parliamentary pledges, and trust rather to the general sense of Parliament, to take such a course as the public interests shall seem to require? These are grounds on which I, for one, must refuse to subscribe to this pledge.

The Right Honourable Gentleman may, if he think proper, throw on me the odium and unpopularity of defeating his measure; for that I absolutely care nothing. Sir, in a matter of this importance, I would rather relinquish public life, and this arena, in which I have combated, now, for thirty years, than I would give my consent to the course of proceeding at present suggested to us. I shall co-operate with no Honourable Member, opposed to me in politics, to defeat the plan. If Honourable Members of different politics from mine join with me in rejecting the present proposition, I shall not reject their aid: but I shall reject the plan, not from objections to the plan itself, but because the pledge, by which it is accompanied, is indefinite, discretionary, and almost unintelligible. I trust that the House, — comparing the advantages with the disadvantages of the proposal, — considering that this plan was first opened in the Budget the other night, and that the House is now, on the 12th of July, discussing a mere resolution, and that no Bill on the subject has yet been introduced, — remembering that they have not been afforded an opportunity of consulting their constituents upon it, — remembering, also, that the Government have not yet made up their minds on the question as to what description of paper is to be written

upon, or upon the question involved in those two words, happily, new to the language, — namely, prepayment and post-payment; — looking to all these circumstances, I trust the House will not leave these matters to any department to decide on. Is it fitting that the Treasury should have the right to determine, without appeal to Parliament, whether or not any single paper maker shall have such a monopoly? Is it fitting for the House, now, to agree to part with that control, which is essential to the interests of the paper makers, as well as of the country generally? I will not anticipate or suppose any abuse of the power; but I claim for Parliament the right to consult, beforehand, those of their constituents whose fortunes are involved in the matter. Would such a course be a good example to set at the latter end of July? It may be fancied that, at present, there is a popular clamour, which leaves no option in the matter; but, in my opinion, in one month, the public will think it better that the Government should afford them and their representatives an opportunity of considering the subject, by postponing it to an early period of the next Session. I heard, with much pleasure, in the course of the debate which this evening took precedence, an assurance given by Honourable Members on all sides of the House, that, whatever alterations they might seek to make in the constitution of the country, still they were determined to maintain the public credit. I was gratified to hear that, though Parliaments might be made triennial, universal suffrage might be admitted, and the vote by ballot introduced, — still, every Honourable Gentleman who spoke in the debate to which I advert, expressed his determination to keep the credit of the country inviolate. Shall it, then, be said, that the Parliament — at the end of a Session, with a *deficit* in the revenue of 1,800,000*l.* in three years, and of 1,000,000*l.* in the present, with no possibility of a decreased, but rather with a chance of an increased, expenditure, to answer the necessities of the public service — bequeaths to its successors the example, first, of divesting itself of its proper function, and committing the fortunes and interests of the manufacturers to the control of one department of the state; and, secondly, in the existing condition of the public revenue, for the first time, also sets the example of a Government, not promoting the public credit — not resisting a demand for the removal of taxation — not making those who are to reap the benefit feel the pressure of an immediate substitute, but — of a Government conciliating public favour by the indulgent task of remission, and contenting themselves with an unintelligible pledge that Parliament will provide a compensation for the deficiency in the revenue which they are about to create?

Mr. POULETT THOMSON. — At this late hour, I shall trespass upon the attention of the House but for a very few moments; indeed, I should not have risen at all, but for the reference which the Right Honourable Baronet has made to the proceedings that took place in the Postage Committee, and to the vote I gave as a member of that committee. The Right Honourable Gentleman's argument is, — how could these manufacturers of paper suppose that an alteration of this nature would be proposed by the Government, when they found members of that Government voting against the penny postage in the committee? Now, I must observe, that if I had that vote to give again, I should give it the same way. I could not consent to recommend any plan whatever that would involve a loss to the revenue. I considered that the adoption of the penny rate of postage, as then proposed, would have involved a loss to the revenue; and being of the same opinion then, as now, I was not prepared to admit of the experiment. But the Right Honourable Baronet's argument, as to the paper makers, is somewhat unfortunate; for, although I voted in the majority in the one case, — the proposition for the penny rate, — I voted, also, for the proposition for the adoption of the twopenny rate, and joined in the recommendation of the committee to which the Right Honourable Baronet has referred. I think, therefore, the paper makers might well have been prepared for some such change as that now proposed. Besides this, the Right Honourable Gentleman may remember that a commission, two years before, recommended a plan similar to this, which might have afforded another distinct indication to the paper manufacturers, that some alteration would take place. But this is beside the question. The Right Honourable Baronet has, certainly, made a most powerful and argumentative speech; but, in making that speech, and adducing those arguments, he has taken a view directly at variance from that which I take, and the Government takes, as to the point on which the whole proposition turns, — namely, the pledge we ask from Parliament to make good any deficiency that may arise from the adoption of this plan. In all the Right Honourable Baronet has said with reference to the necessity of maintaining the public credit, I entirely concur. I go with him to the fullest

extent in supporting the public credit. But I say the Government are in this position with regard to this question,—we cannot give this proposal any trial whatever, unless we come to Parliament to ask for powers to try the experiment for a time; and to couple, as we can, those powers with a pledge to make good the deficiency in the revenue. The Right Honourable Baronet has asked why the Government have not the plan ready prepared to submit to Parliament? and why we do not, at once, bring on the vote for the tax to make good the deficiency? I will tell the Right Honourable Baronet that it is impossible to do so until the deficiency be ascertained. All that we, at present, ask, is an opportunity of making the experiment; of considering the various details; and of deciding which is the best and least expensive plan? — whether the stamped covers and the principle of prepayment should be adopted? Let me ask, — supposing that these reasons did not exist, — how could we come to the House for a tax to fill up a deficiency which no one can tell the extent of? What has been stated, in evidence, by the parties who have discussed and considered the subject? One party says, the proposition would lead to a decrease; others, that it would tend to an increase, of the Post Office revenue; and third parties — and among these is Lord Ashburton — are found to say, that, by the change, the whole of that revenue would be sacrificed. In such a conflicting state of opinions, what would the Right Honourable Baronet propose, if he were in the situation of my Right Honourable Friend? In what way would he propose to make good the deficiency? Until the experiment be tried, no man can tell what amount of deficiency is to be provided. We know the whole amount of loss that can possibly be incurred — that is, the whole amount of the Post Office revenue, 1,600,000*l.*; but between that sum, and no loss at all, it is impossible to found any calculation. Unless, therefore, the House is prepared to defer this question until we shall have a surplus revenue, some such course as that proposed must be adopted. The Right Honourable Baronet has not stated the case fairly: he has said, that if the pledge were to make good the deficiency at the end of the next Session, that would be a definite and intelligible proposition; but that we leave the question open to be disputed at the end of that period, whether or not a fair trial of the experiment has been allowed. Now, I do not concur in the opinion stated, the other evening, by my Honourable Friend the Member for Bridport, — that three or four years must elapse, in order to test the efficacy of this plan, and before it can be said whether or not a permanent deficiency in the revenue will result. I heard that statement, as coming from my Honourable Friend, with regret. I conceive that there can be no difficulty in ascertaining the actual amount of loss at the end of one year; and that being known, this House will be bound to make it good. The Right Honourable Gentleman asks,—how can it be ascertained that such deficiency has arisen, specifically, from the Post Office, and is chargeable to it, when it is in evidence that one of the effects of this plan will be, to increase other sources of revenue besides that of the Post Office? Why, I do not hesitate, at once, to say, that if there be an additional revenue from other sources, occasioned by the adoption of this plan,— if there be no deficiency,—then there will be no occasion to call upon Parliament for the performance of its pledge; but, if there be an actual loss in the revenue,— if there be a specific deficiency in the Post Office revenue, not covered by a corresponding increase in other branches, — then such deficiency must be made good. The Bill proposed to be introduced by my Right Honourable Friend, is, to give to the Treasury the power to make those arrangements which, at present, they are incompetent to enter upon. It will give the Treasury power to alter the rates of postage — to charge postage by weight — and to arrange the manner of prepayment. And these powers are to be given only for the period of one year; at the end of which, all the regulations they make must come before Parliament in the shape of a Bill, to which Parliament will have power to give its assent or refusal; and thus all those regulations and powers which the Right Honourable Baronet seems to think might be adopted, and exercised improperly and unwisely, will be subjected to the control of Parliament, by whom it will also have to be determined whether or not the plan shall be continued. But that is not all; for, by means of the pledge proposed to be taken by my Right Honourable Friend, not only is the supervision of Parliament over the details of the plan secured; but also, unless, after considering the details, Parliament is prepared, in the event of a deficiency, to give a new tax, then the plan cannot be continued in operation, as the powers of the Treasury will cease. I will not, further, take up the time of the House at this late hour. I was anxious merely to state my understanding of the pledge, and the reason why I, for one, was not prepared to refuse the country the trial of

an experiment of that which I believe will be successful,—and which, if so, I am satisfied will prove one of the most beneficial relaxations from taxation that ever was granted.

[Loud cries of "Divide!"]

Mr. WARBURTON. — So far from complaining, I am the better satisfied, that the present proposition has met with some opposition; because it is of infinite importance that, by a discussion, the public should be informed of its nature and character. I do not concur in the remark made by the Honourable and Learned Member for Dublin, that the Right Honourable Baronet opposite (Sir R. Peel) wished to convert this measure of policy into a party question, for it is one upon which Honourable Gentlemen may conscientiously entertain great doubts, though in those doubts I do not join. With regard to the objections which have been raised,—it has been contended, first, that this is too late a period of the Session to entertain the matter. No doubt, the proposition comes unexpectedly before the House. But have we never heard of it before? Is the Report of the committee unread? or are the petitions which have overwhelmed the House in favour of the scheme forgotten? Has not the progress of public opinion shown, that, at a very early period, the matter must come under the consideration of Parliament? It is, therefore, no surprise upon the House to bring forward this proposal. Neither can it be a surprise, at this period, to the other House; for the Report was printed months ago, and communicated to their Lordships, who, like this House, have been almost overwhelmed with petitions on the subject; and therefore I cannot agree in thinking that the late period of the Session affords any ground for rejecting a matter of such paramount importance. It is next objected, that the proposition gives too great a discretionary authority to the Treasury. Why, has the Treasury not power, even now, under a single Act of Parliament, to reduce the rates of postage to any extent they please? Have they not the power, already, under another Act, to enforce the payment of those rates, in advance? It is true, they have not the powers which are necessary to charge by weight, or to employ the Stamp Office to collect the rates; but, is a discretionary power to do this, greater than the powers such as I have described, and which they already possess? Then, because the stationers and paper makers take an objection to the scheme, it is contended it ought to be postponed. Why, the committee were overwhelmed with the evidence of these opponents, all showing the great increase in the manufacture and use of paper which would follow the proposed reduction in the rate of postage; and yet, because one individual urges that his paper is the best to prevent forgery, they are now in a most preposterous state of alarm and fear that their trade will be injured. I think I might well complain of the manner in which this question has been treated. Nobody has spoken of postage except as an element of the revenue. I deny that it has ever, from the first statute creating the Post Office, down to the last Report, been treated as a mere object of revenue. The original Act by which the Post Office was created, — the Act of Charles II.,—stated, that "the Post Office was established, not as a branch of the revenue, but for the advantage of trade and commerce." The public is, therefore, right in the view which they take of this matter, — namely, that the primary object of its institution is, to contribute to their convenience. The advantages of Post Office communications ought to be accessible to the whole community; and the subject is, in fact, one which ought not to be made matter of taxation at all. Lord Lowther, some few years since, stated, that the direct revenue to be derived from the Post Office was not the primary consideration; and this opinion was re-echoed by the present Committee of Post Office Inquiry. Is it reasonable, then, to impose a tax upon the carriage of letters of 1000*l.* to 1400*l.* per cent.? The Right Honourable Gentleman the President of the Board of Trade has gone far beyond his Right Honourable colleague the Chancellor of the Exchequer, — for he has spoken of the necessity of supplying the deficiency at the end of the first year of the experiment. I have always remonstrated against imposing any new tax until the plan should have undergone a fair trial. A new tax is, in itself, a great evil; and is still worse, if it be imposed only, to meet a temporary difficulty. I have given the Chancellor of the Exchequer no pledge whatever on this subject. Still, I am ready to admit that, upon a deficiency being proved, Parliament is bound to make good that deficiency. But the way to improve the revenue is — not to impose additional taxes, but to revise the existing system. Let the House look to the state of our trade in coffee, in sugar, in timber. By placing those branches of trade upon a rational principle, there is, within our reach, almost by a dash of the pen, ample means of providing against any deficiency. The corn trade is too delicate a subject for me to deal with on an occasion like

this; but if a deficiency be proved, revise the duties on your trade in coffee, in sugar, and in timber. You might thus attain, at once, to a surplus of 5,000,000*l.*, without any deficiency at all. Let not the public, therefore, be alarmed by the supposition that a new tax is about to be imposed, while these great branches of trade are certain of yielding a large surplus, if the Government would only properly apply themselves to the task. The tea trade, also, as well as many other branches of the revenue, are at present managed on a principle of which no reasonable man can approve.

[Loud cries of "Divide!"]

I will quote the opinion of a Noble Lord as to the probability of the deficiency that might arise from the adoption of this plan being made good from other sources of the revenue. Lord Ashburton, when examined as a witness before the committee, stated, that though the effect of the proposed change should be to reduce the Post Office revenue, it might yet lead to a considerable improvement in every other branch of the revenue. I quite agree with that Noble Lord, inasmuch as every branch of business must be beneficially affected by giving increased facilities for correspondence. And I maintain that there is every reasonable ground to suppose that, by a reduction in the rates of postage, you will, within a moderate period, — I do not mean six or seven years, but within three, which I think would give a fair trial of this great experiment, — you will have a great improvement, not only in the Post Office revenue, but, as Lord Ashburton says, you will have a considerable improvement in all the other branches of trade.

[Loud cries of "Divide!"]

LORD VISCOUNT SANDON. — I should not have ventured to intrude upon the attention of the House at this late hour, but that I think it a matter of imperative duty in me to explain the vote I am about to give. I confess that I have never offered a vote in this House under a sense of greater difficulty than in the present instance. It is impossible to have listened to the speech of my Right Honourable Friend the Member for Tamworth without feeling, that to vote for this reduction is assuming a very heavy degree of responsibility. But I have long entertained an opinion that the Post Office duty is not a proper subject of revenue. I have looked on it rather as a stimulus to commerce and to social communication, which should be treated simply as a means of improving the revenue through other channels. I have more than once given expression to that opinion in other places, and under no pressure from without, but from deep conviction. In this case, I feel that I am entitled to throw the responsibility of the present experiment on her Majesty's Ministers. If they feel that they are able to take on themselves that responsibility, and to meet the deficiency which will be occasioned, I am not disposed to forego the maintenance of my old opinions with reference to this question. If anything could add to the esteem and confidence which I entertain for my Right Honourable Friend, it is the course he has taken with regard to this question. I think my Right Honourable Friend might well have thrown the responsibility upon the Government; and, under a strong protest, have allowed the measure to proceed; but, with an ardent and determined feeling for the public good, for which he deserves the greatest credit, my Right Honourable Friend has sacrificed the popularity of the moment to his high and independent sense of duty.

The House then divided: — Ayes 213; Noes 113; — Majority 100.

AYES.

Adam, Admiral	Cave, R. O.
Aglionby, H. A.	Cavendish, Hon. C.
Ainsworth, P.	Cayley, E. S.
Alston, R.	Chichester, J. P. B.
Anson, Hon. Colonel	Clay, W.
Archdall, Mervyn	Clayton, Sir W. R.
Attwood, W.	Clive, E. B.
Attwood, T.	Collins, W.
Bainbridge, E. T.	Craig, W. G.
Baines, E.	Crawley, S.
Bannerman, A.	Currie, R.
Baring, F. T.	Dalmeny, Lord
Barnard, E. G.	Denison, W. J.
Barry, G. S.	Dennistoun, J.
Beamish, F. B.	D'Eyncourt, Rt. Hon. C. T.
Berkeley, Hon. H.	
Berkeley, Hon. C.	Divett, E.
Blackett, C.	Donkin, Sir R. S.
Blackstone, W. S.	Duff, J.
Blake, M. J.	Duke, Sir J.
Blake, W. J.	Duncombe, T.
Blennerhassett, A.	Dundas, F.
Bridgeman, H.	Dundas, Sir R.
Brocklehurst, J.	East, J. B.
Brodie, W. B.	Easthope, J.
Brotherton, J.	Elliot, Hon. J. E.
Brownrigg, S.	Ellice, E.
Bruges, W. H. L.	Ellis, W.
Bryan, G.	Evans, Sir De Lac
Buller, C.	Evans, W.
Bulwer, Sir L.	Ewart, W.
Byng, Rt. Hon. G. S.	Fazakerley, J. N.
Callaghan, D.	Fielden, J.
Campbell, Sir J.	Fector, J. M.
Castlereagh, Ld. Visct.	Fenton, J.

Ferguson, Sir R. A.	Philips, M.
Finch, F.	Philips, G. R.
Freshfield, J. W.	Pigot, D. R.
Gillon, W. D.	Ponsonby, C. F. A. C.
Gordon, R.	Power, James
Greene, T.	Price, Sir R.
Greenaway, C.	Pryse, P.
Grey, Rt. Hon. Sir G.	Pusey, P.
Grote, G.	Ramsbottom, J.
Guest, Sir J.	Rice, E. R.
Hall, Sir B.	Rice, Rt. Hon. T. S.
Handley, H.	Rich, H.
Hastie, A.	Roche, E. B.
Hawes, B.	Roche, W.
Hawkins, J. H.	Rolfe, Sir R. M.
Hayter, W. G.	Rumbold, C. E.
Heathcoat, J.	Rundle, J.
Hector, C. J.	Rushout, G.
Hill, Lord A. M. C.	Russell, Lord J.
Hindley, C.	Russell, Lord
Hobhouse, T. B.	Russell, Lord C.
Hodges, T. L.	Rutherfurd, Rt. Hn. A.
Hodgson, F.	Salwey, Colonel
Holland, R.	Sandon, Lord Visct.
Horsman, E.	Sanford, E. A.
Hoskins, K.	Scholefield, Joshua
Howick, Lord Visct.	Scrope, G. P.
Hughes, W. B.	Seale, Sir J. H.
Hume, J.	Sheil, R. L.
Hurst, R. H.	Shelborne, Earl of
Hutt, W.	Sibthorp, Colonel
Hutton, R.	Sinclair, Sir G.
Jervis, J.	Smith, R. V.
Jervis, S.	Somerville, Sir W. M.
Kinnaird, Hon. A. F.	Spencer, Hon. F.
Labouchere, Rt. Hon. H.	Standish, C.
	Stanley, Hon. W. O.
Langdale, Hon. C.	Stewart, James
Lascelles, Hon. W. S.	Stuart, Lord J.
Leader, J. T.	Stuart, V.
Lemon, Sir C.	Stock, Dr.
Lennox, Lord A.	Strutt, E.
Loch, J.	Surrey, Earl of
Lowther, Lord Visct.	Talbot, C. R. M.
Macaulay, T. B.	Thomson, Rt. Hon. C. P.
Macleod, R.	
M'Taggart, J.	Thompson, Alderman
Marshall, W.	Thornely, Thomas
Marsland, H.	Townley, R. G.
Martin, J.	Troubridge, Sir E. T.
Maule, Hon. Fox	Turner, E.
Melgund, Lord Visct.	Vigors, N. A.
Mildmay, P. St. John	Villiers, Hon. C. P.
Miller, W. H.	Waddington, H. S.
Milton, Lord Viscount	Wakley, T.
Morpeth, Lord Visct.	Walker, R.
Morris, D.	Wallace, R.
Murray, A.	Warburton, H.
Muskett, G A.	Ward, H. G.
Norreys, Sir D. J.	Westenra, Hon. H. R.
O'Brien, W. S.	Westenra, Hon. J. C.
O'Connell, D.	White, A.
O'Connell, J.	Wilbraham, G.
O'Connell, M. J.	Wilde, Mr. Serjeant
O'Connell, Morgan	Williams, W.
O'Ferrall, R. M.	Williams, W. A.
Oswald, J.	Wood, C.
Packe, C. W.	Wood, Sir M.
Paget, F.	Worsley, Lord
Palmer, C. F.	Wrightson, W. B.
Palmer, R.	Wyse, T.
Palmerston, Lord Vt.	Yates, J. A.
Parker, J.	
Parnell, Rt. Hn. Sir H.	*Tellers.*
Pechell, Captain	Stanley, E. J.
Pendarves, E. W. W.	Steuart, R.

NOES.

Acland, Sir T. D.	Ingestre, Lord Visct.
Acland, T. D.	Inglis, Sir R. H.
A'Court, Captain	Irton, S.
Alsager, Captain	Irving, J.
Ashley, Lord	Jermyn, Earl
Bagge, W.	Kemble, H.
Baillie, Colonel	Knatchbull, Rt. Hon. Sir E.
Baker, E.	
Baring, H. B.	Knightley, Sir C.
Barrington, Lord Visct.	Knox, Hon. T.
Bentinck, Lord G.	Law, Hon. C. E.
Blair, J.	Lincoln, Earl of
Bolling, W.	Lockhart, A. M.
Broadley, H.	Lowther, Hon. Colonel
Buller, Sir J. Y.	Mackenzie, T.
Burr, H.	Mackinnon, W. A.
Burrell, Sir C.	Mahon, Lord Viscount
Burroughes, H. N.	Manners, Lord C. S.
Canning, Rt. Hon. Sir S.	Neeld, Joseph
	Norreys, Lord
Cavendish, Hon. G. H.	Ossulston, Lord
Chapman, A.	Owen, Sir J.
Chute, W. L. W.	Pakington, J. S.
Courtenay, P.	Parker, M.
Darby, G.	Parker, R. T.
De Horsey, S. H.	Patten, J. W.
Douglas, Sir C. E.	Peel, Rt. Hon. Sir R.
Dowdeswell, W.	Pemberton, T.
Duffield, T.	Perceval, Colonel
Dunbar, G.	Praed, W. T.
Eastnor, Lord Visct.	Price, R.
Egerton, W. T.	Pringle, A.
Ellis, J.	Reid, Sir J. R.
Estcourt, T. (Oxf. U.)	Richards, R.
Estcourt, T. (Devizes)	Round, C. G.
Farnham, E. B.	Rushbrooke, Colonel
Goddard, A.	Scarlett, Hon. J. Y.
Gordon, Hon. Capt.	Shaw, Rt. Hon. F.
Gore, O. J. R.	Somerset, Lord G.
Goulburn, Rt. Hon. H.	Stanley, Lord
Graham, Rt. Hn. Sir J.	Stormont, Lord Visct.
Grant, F. W.	Sturt, H. C.
Grimsditch, T.	Style, Sir C.
Grimston, Lord Visct.	Teignmouth, Lord
Hale, R. B.	Thomas, Colonel H.
Halford, H.	Verner, Colonel
Harcourt, G. G.	Vernon, G. H.
Harcourt, G. S.	Villiers, Lord Visct.
Hardinge, Right Hon. Sir H.	Wall, C. B.
	Walsh, Sir J.
Henniker, Lord	Wilbraham, Hon. B.
Herbert, Hon. S.	Williams, R.
Hodgson, R.	Williams, T. P.
Hogg, J. W.	Wodehouse, E.
Holmes, W.	Wood, Colonel T.
Hope, Hon. C.	Young, J.
Hope, G. W.	
Howard, F. J.	*Tellers.*
Howard, Sir R.	Clerk, Sir G.
Hurt, F.	Fremantle, Sir T.

Main question put, and agreed to:—Report brought up, and read, as follows:—

Resolved, That it is expedient to reduce the postage charged on letters to one uniform rate of one penny charged upon every letter of a weight to be hereafter fixed by law, parliamentary privileges of franking being abolished, and official franking strictly regulated; this House pledging itself, at the same time, to make good any deficiency of revenue which may be occa-

sioned by such an alteration in the rates of the existing duties.

Resolution read a second time.

SIR R. PEEL.—I propose to omit all that part of the resolution which pledges the House to supply any deficiency in the revenue that may be occasioned by the reduction of the rate of postage. I do not intend further to discuss the subject; but the importance of it will, I think, justify me in making one observation. In a matter concerning the honour of Parliament,—which this undoubtedly does,—can any man doubt that, if we do give a pledge, it is proper that the public should know, and that we should perfectly understand, what that pledge is, and be prepared to act up to it? But, here, we have a member of the Government who proposes the resolution, and one of its chief supporters, at issue on this very point;—the Right Honourable Gentleman the President of the Board of Trade states, that he shall be prepared to demand the fulfilment of the pledge, if the revenue should be found deficient, at the end of next year; while the Honourable Member for Bridport protests against any such interpretation of the pledge,—and states that he shall not consider himself called upon to vote for the imposition of any tax to make good any deficiency that may arise in the Post Office revenue, consequent upon the adoption of this plan, until the plan shall have been in operation three years. How is it possible for the House to concur in a pledge, when two of its principal supporters differ so widely as to the obligations which it imposes? My amendment is, to leave out the words "this House pledging itself, at the same time, to make good any deficiency of revenue which may be occasioned by such an alteration in the rates of the existing duties."

The CHANCELLOR of the EXCHEQUER.—I will follow the example of the Right Honourable Gentleman, in not discussing again a matter which I have, already, twice expressed my opinion upon. The Honourable Member for Bridport is, of course, at liberty to set his own interpretations on the pledge; but the Right Honourable Gentleman cannot justly put in opposition to the opinions of those who have introduced the measure, the observations of a single Member of Parliament, expressing merely his own opinion. The Government distinctly and unequivocally avow that it will be their duty to propose the redemption of the pledge, the moment a deficiency shall be found to exist. That is our interpretation of the pledge, and the principle on which we have introduced the measure,—and, I will add, the only one on which I would support it.

Mr. WALLACE.—As one of those who have been most anxious for this measure, I feel bound to say that, whenever the time arrives, when it shall become the duty of the Government to propose to redeem any amount that may be lost by adopting this measure, I shall be prepared to vote, instantly, for the fulfilment of the pledge now proposed to be given.

Question put, "That the words proposed to be left out stand part of the resolution."

The House divided:—Ayes 184; Noes 125;—Majority 59.

AYES.

Adam, Admiral	Duncombe, T.
Aglionby, H. A.	Dundas, F.
Alston, R.	Dundas, Sir R.
Anson, Hon. Colonel	Easthope, J.
Attwood, T. (Birm.)	Elliot, Hon. J. E.
Bainbridge, E. T.	Ellice, E.
Baines, E.	Ellis, W.
Bannerman, A.	Evans, Sir De Lacy
Baring, F. T.	Evans, W.
Barnard, E. G.	Ewart, W.
Barry, G. S.	Fielden, J.
Beamish, F. B.	Fenton, J.
Berkeley, Hon. H.	Ferguson, R. A.
Berkeley, Hon. C.	Finch, F.
Blackett, C.	Gillon, W. D.
Blake, M. J.	Gordon, R.
Blake, W. J.	Greene, T.
Bridgeman, H.	Greenaway, C.
Brocklehurst, J.	Grey, Rt. Hon. Sir G.
Brodie, W. B.	Grote, G.
Brotherton, J.	Guest, Sir J.
Bryan, G.	Hall, Sir B.
Buller, C.	Handley, H.
Bulwer, Sir L.	Hastie, A.
Byng, Rt. Hon. G. S.	Hawes, B.
Callaghan, D.	Hawkins, J. H.
Campbell, Sir J.	Hayter, W. G.
Cave, R. O.	Heathcoat, J.
Cavendish, Hon. C.	Hector, C. J.
Cayley, E. S.	Hill, Lord A. M. C.
Chichester, J. P. B.	Hindley, C.
Clay, W.	Hobhouse, T. B.
Clayton, Sir W. R.	Hodges, T. L.
Clive, E. B.	Hollond, R.
Collins, W.	Horsman, E.
Craig, W. G.	Hoskins, K.
Crawley, S.	Howard, Sir R.
Currie, R.	Howick, Lord Visct.
Dalmeny, Lord	Hume, J.
Dennistoun, J.	Hurst, R. H.
D'Eyncourt, Rt. Hon. C. T.	Hutt, W.
	Hutton, R.
Divett, E.	Jervis, J.
Donkin, Sir R. S.	Kinnaird, Hon. A. F.
Duff, J.	Labouchere, Rt. Hn. H.
Duke, Sir J.	Langdale, Hon. C.

Leader, J. T.
Lemon, Sir C.
Lennox, Lord A.
Loch, J.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Maryland, H.
Martin, J.
Maule, Hon. Fox
Melgund, Lord Visct.
Mildmay, P. St. John
Milton, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Murray, A.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, John
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Palmer, C. F.
Palmerston, Lord Vt.
Parker, J.
Parnell, Right Hon. Sir H.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Pigot, D. R.
Ponsonby, C. F. A. C.
Power, James
Price, Sir R.
Pryse, P.
Ramsbottom, J.
Rice, E. R.
Rice, Rt. Hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, Rt. Hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, R. L.
Shelborne, Earl of
Sinclair, Sir G.
Smith, R. V.
Somerville, Sir W. M.
Spencer, Hon. F.
Standish, C.
Stanley, Hon. W. O.
Stewart, James
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Surrey, Earl of
Talbot, C. R. M.
Thomson, Right Hon. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, Hon. C. P.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Wilbraham, G.
Wilde, Mr. Serjeant
Williams, W.
Williams, W. A.
Wood, C.
Wood, Sir M.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

Tellers.
Stanley, E. J.
Steuart, R.

NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Archdall, M.
Ashley, Lord
Attwood, W.
Bagge, W.
Baillie, Colonel
Baker, E.
Baring, H. B.
Barrington, Lord Visct.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Bolling, W.
Broadley, H.
Brownrigg, S.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Canning, Rt. Hn. Sir S.
Castlereagh, Lord Vt.
Cavendish, Hon. G. H.
Chute, W. L. W.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dunbar, G.
East, J. B.
Eastnor, Lord Viscount
Egerton, W. T.
Ellis, J.
Estcourt, T. (Oxf. U.)
Estcourt, T. (Devizes)
Farnham, E. B.
Fector, J. M.
Freshfield, J. W.
Goddard, A.
Gordon, Hon. Captain
Gore, O. J. R.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Grimsditch, T.
Grimston, Lord Visct.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Right Hon. Sir H.
Henniker, Lord
Herbert, Hon. S.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W.
Hope, Hon. C.
Hope, G. W.
Howard, F. J.
Hughes, W. B.
Hurt, F.
Ingestre, Lord Visct.
Irton, S.
Irving, J.
Jermyn, Earl
Kemble, H.
Knatchbull, Rt. Hon. Sir E.
Knightley, Sir C.
Knox, Hon. T.
Law, Hon. C. E.
Lincoln, Earl of
Lockhart, A. M.
Lowther, Hon. Colonel
Mackenzie, T.
Mahon, Lord Visct.
Manners, Lord C. S.
Miller, W. H.
Neeld, Joseph
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Patten, J. W.
Peel, Rt. Hon. Sir R.
Pemberton, T.
Perceval, Colonel
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Richards, R.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Sandon, Lord Visct.
Scarlett, Hon. J. Y.
Shaw, Rt. Hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Stanley, Lord
Stormont, Lord Visct.
Sturt, H. C.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Verner, Colonel
Vernon, G. H.
Villiers, Lord Visct.
Waddington, H. S.
Wilbraham, Hon. B.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, Colonel T.
Young, J.

Tellers.
Clerk, Sir G.
Fremantle, Sir T.

Resolution agreed to; and, on the motion of the CHANCELLOR of the EXCHEQUER, Bill thereupon ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER, LORD JOHN RUSSELL, and Mr. BARING.

PAROCHIAL CURE OF SOULS BILL.

Read a third time, and passed, with amendments.

INDEMNITY BILL.

Reported; to be read a third time on Monday next.

SHANNON NAVIGATION BILL. — PUBLIC WORKS (IRELAND) BILL.

Committees deferred till Wednesday next.

SOAP DUTIES DRAWBACK BILL.

Reported; to be read a third time on Monday next.

TOWN COUNCILS BILL.

Second reading put off for three months.

METROPOLIS POLICE BILL.

Reported; further consideration of Report on Monday next.

SUPPLY. — WAYS AND MEANS. — METROPOLITAN POLICE COURTS BILL. — SALE OF BEER BILL. — INLAND WAREHOUSING BILL. — HIGHWAY RATES BILL. — CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

Committees deferred till Monday next.

POOR LAW COMMISSION CONTINUANCE BILL. — EMBANKMENTS (IRELAND) BILL.

Second readings deferred till Monday next.

COUNTY COURTS (ADVANCE OF MONEY) BILL.

Report thereupon deferred till Monday next.

MUNICIPAL CORPORATIONS (IRELAND) BILL. — REGISTERS OF BIRTHS, &c. BILL.

Third readings deferred till Monday next.

METROPOLIS IMPROVEMENTS.

On the motion of the CHANCELLOR of the EXCHEQUER, Report from Select Committee thereupon read; and Bill "to carry into effect certain Improvements in the Metropolis, under the Direction of the Commissioners of Woods, Forests, and Works," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. EDWARD JOHN STANLEY.

CARLOW BOROUGH ELECTION.

On the motion of SIR C. KNIGHTLEY, Ordered, that the minutes of evidence and proceedings taken before the Carlow Borough Election Committee be laid before this House.

FINES AND PENALTIES (IRELAND).

On the motion of Mr. F. BARING, Act (1 and 2 Vic. c. 99.) read; and Bill, "to explain and amend, so far as relates to Fines and Penalties levied under the Revenue Laws in Ireland," ordered to be brought in by Mr. BARING and Mr. JOHN PARKER.

Bill subsequently presented, and read a first time; to be read a second time on Tuesday next, and to be printed.

ASSESSED TAXES (SALE OF GAME LICENCES).

Acts read; committee thereupon on Monday next.

EDUCATION.

Petition from Tipton, against proposed scheme. — To lie on the table.

Adjourned, at a quarter after two o'clock, till Monday next.

HOUSE OF LORDS, LUNÆ, 15° DIE JULII, 1839.

APPEALS.

Abernethie *v.* Forbes (or Gordon). — Further and fully heard, and consideration adjourned *sinè die.*

Pearson *v.* Casamajor, *et è contra.* — Further heard, and adjourned till to-morrow.

Wilson *v.* Tait. — To be heard to-morrow.

Forbes *v.* Wilson. — Petition of the respondent, that the order allowing the appellant to sue *in formâ pauperis* may be discharged, read, and referred to the Appeal Committee.

VISCOUNT TAAFFE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Tuesday, the 23d instant.

BOULTON'S ESTATE BILL.

Read a third time, passed, and sent to the Commons.

CAMOYS BARONY. — BRAYE BARONY.

Committee for Privileges met; and the Lord Chief Justice of the Court of Common Pleas delivered the unanimous opinions of the judges upon the questions of law put to them on the 28th of June last; and the committee adjourned *sinè die.*

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

SHIP PROPELLER COMPANY BILL.

Reported, with amendments.

NEWPORT DOCKS BILL.

Read a third time, and passed.

BANKRUPTS' ESTATES (SCOTLAND) BILL. — SUPREME COURTS (SCOTLAND) BILL.

Order of the Day for the second reading, and the Lords summoned, read; Bills read a second time accordingly, and committed to a committee of the whole House on Friday next; and the Lords summoned.

EDUCATION BILL.

The Order of the Day for the second reading of this Bill, and the Lords to be summoned, having been read, —

LORD BROUGHAM said: — I, on a former evening, so fully explained the object and details of this Bill, and the statement which I made on that occasion was listened to with such attention by your Lordships, that it is unnecessary for me, now, to trespass for any great length upon your Lordships' time. It may be, that some of those who took a part in the discussion on Friday week past, feel disappointed with the result of that debate; and although I, myself, am disappointed at the decision which was then come to, yet I draw from that debate, and from that decision, an inference which is very consolatory to those who regard popular education as an object of paramount importance. The inference which I draw, also, from that debate, is equally satisfactory as regards religious instruction. But it would be a great mistake indeed, to suppose that anything which was done on Friday has any relation, either in principle or in substance, to the measure your Lordships have at present to consider. No decision was given on Friday on the Bill now before the House, for the questions are altogether different. Let Noble Lords only recollect what were their objections to the Government plan of education. It was deficient in the means of religious instruction, as some

contended; and by others it was urged that the machinery which would be created by the Bill would prove detrimental as regarded the ecclesiastical establishments of the country. Nothing of this kind can be urged against the present measure; or, if it can be, it cannot be urged against it, at any rate, in its present stage,—for the objection can only apply to the details, and these must be considered when your Lordships come to examine them in committee. The question, then, which your Lordships have now to decide, is wholly different from that discussed on Friday week. Some may think that I, in my plan, have gone too far in the means I proposed for providing religious instruction for the people; and others may think that I have not gone far enough. Those who think that I have gone too far, may move to have the clauses, which they object to, expunged; and those who may think I have not gone far enough, may move the insertion of clauses to supply the defect;—but the real question before your Lordships on the present occasion, and upon which I ask for your decision, is, that national education is a matter of paramount importance; and that the want of instruction is now pressing most urgently upon the attention of Parliament, and more particularly upon the attention of your Lordships. This is a Bill for enabling the people to obtain instruction, and by which it is proposed to establish a national system of education; so that the objections which were urged, the other evening, against the Government plan, are in no way applicable to the proposition which I now submit to your Lordships' consideration. What are the objections which were urged against the Government plan? I have a right, from the statements which were then made—on Friday week,—and more particularly from the resolutions which your Lordships came to, and the Address which you voted,—to say, that almost the whole of the argument against the Government plan, on the evening referred to, was, that Parliament had not been consulted; that Parliament had been passed by; and that a vote of one House had placed a grant of money at the disposal of certain Ministers of the Crown, who, by an Order in Council, were to have the sole power of appropriating the money given for the purposes of education. Such was the objection which was urged against the Government plan; and I admit that it was a fair constitutional ground for the opposition which the measure received. But that argument, however strong, is not applicable in the present case. Here is a Bill brought before Parliament in the regular manner,—Parliament directly applied to,—to no other source is application made; for to Parliament, and, in the first place, to your Lordships, I have felt it my duty to make my appeal, and to submit this proposition for the establishment of a system of national education.

Another argument which was used against the measure, was, the lateness of the period at which it was brought forward, and the impossibility of considering its details when the termination of the Session was so near. But this measure has been long before your Lordships; and my reason for not proceeding with it sooner was, because of the difficulties which might arise, in the committee, in shaping the details of the Bill, so as to steer clear of the polemical question relating to religious instruction. Why did I feel that difficulty? I grieve to say, from observing a want, not of toleration, but of a spirit of mutual accommodation between the different sects and the church. I differ from both; for, in my opinion, the blame is as much with the Dissenters as with the church; and at a meeting where I had the honour to address a large body of Dissenters, I told them that the fault rested with them as much as with the church, and that the failure in the attainment of their object resulted from a want of mutual concession. I abjure the idea of keeping religious instruction out of the field; and if any person were to ask me "whether I would have the people taught and instructed in secular knowledge without religious instruction, or instructed in secular knowledge with religious instruction?" no one can doubt that I should answer, "By all means, with religious instruction." But if a second question were put to me, and if I were asked (supposing anything should prevent us from giving religious instruction to the people) "whether I had rather that the people should receive secular instruction without religious instruction, or remain without secular or religious instruction both?" then I would certainly reply, "that I had rather give them secular instruction without religious instruction." I would rather, for religious purposes, and with a view to religious schooling, teach them common schooling, than leave them an ignorant and almost brutified rabble; because I am sure, that when a clergyman's task with them began, it would not prove the easier for his having to deal with a race of people who were plunged in profound ignorance. Now, I have stated these things, to show how very different the question is which is now before your Lordships, from that

which was discussed and decided upon ten days ago.

It is certainly no little delight to those who look upon popular education as one of the most important subjects which can occupy the public mind, to see that subject so deeply engage the attention of your Lordships, both spiritual and temporal. Thirty years ago, no man would have dreamed that such a question would have been discussed in an assembly of your Lordships, unexampled in point of numbers, except upon one occasion, or that it would have been debated till we were well on, in the next morning, when the House divided with an unexampled number of votes, — the question before your Lordships being, throughout and entirely, neither more nor less than national education. Thirty years ago, the man who would have announced his expectation that the fate of a Government would actually depend on such a debate, would have been reckoned an enthusiast and a visionary, and his hopes and predictions would have been laughed at as chimerical. It is with the hopes which I have derived from that consideration that I now approach the present question, and offer to your Lordships the very few statements which, alone, I now think it necessary to add to those I have already made, and for which I have so largely drawn upon your Lordships' patience. The want of education, the deficiency of the present means of popular instruction, are almost as universally admitted as the importance of the subject. I say almost as universally, — but the Most Reverend Prelate will forgive me if I state that I think there must have been a very great mistake in the Returns on which he grounded his account of the quantity of public instruction afforded by the National and Lancasterian schools. It has been stated that the number of children educated by the National schools is 1,100,000; and the British and Foreign Society say that they educate as many, and I dare to say that they do. But it is impossible that these accounts can be correct. If they are to be relied upon the number of children educated must amount to 2,200,000, and we must have the best education of any country in Europe, because there must be at least 800,000 children educated at schools which have no connection with either the National or the British and Foreign schools; and that would make 3,000,000 of educated children, which amount to one fifth of the entire population of Great Britain. But it is clear that there are not 2,200,000 children altogether taught in these schools, nor anything like that number; because we have the Parliamentary Returns on this subject, made in 1834 and 1835, and they show, according to the information supplied by the ministers and churchwardens of parishes, that there are only 1,278,000 children educated out of every kind of school, including Westminster and Winchester, and other public schools, and boarding schools of all kinds. I need not, therefore, tell your Lordships, that if the National schools educated 1,100,000 children, they would not leave the British and Foreign Society any children to teach. It is perfectly clear, therefore, that there is some exaggeration in the accounts which have been rendered. When I moved for a Return on the same subject, which was in 1818, the number of children educated was 678,000; so that we must come to the very satisfactory conclusion that, in eighteen years, voluntary education has doubled, — which is highly consolatory. I remember the time when the children educated according to the system of Bell and Lancaster amounted to but 150,000. I wish both systems well; I subscribe to them both; but wishing them heartily as well as man can do, I cannot believe that they have gone on, at a pace so miraculous as has been represented. We must come down, then; and, instead of stating that there are schools for one fifth of the population, we may doubt whether there are schools for one tenth or even one twelfth. As far as education goes, we are much worse off than Holland, worse than Central Germany, and a great deal worse than the Protestant cantons of Switzerland. But, notwithstanding this, if the education which we got were good, — if it deserved the name, — I should say that we had something to comfort us. But the fact is quite the other way; for, deficient as is the quantity of our education, that is the best part of it: — and it is the quality of which I chiefly complain. That I may not be suspected of exaggeration, I will refer to a statement drawn up by the Honourable Member for Shrewsbury, from which it appears that of the male children in Manchester, 49½ per cent. cannot read at all, and 67 per cent. cannot write their names; and these are all children above fourteen, and consequently beyond the operation of the Factory Act altogether. Of the girls, 57 per cent. cannot read, and 88 per cent. cannot write their names. Now, this is a very large proportion indeed; and the want of education will some day or other produce its mischievous effects with the greater certainty, inasmuch as education depends in a greater degree upon the girls. I never yet saw any person who could not

write, who obtained much good from reading; and it is well known to educators, that what makes the mind active in reading, is, the being able to write. Here, then, are the girls, — who will hereafter have to train up in moral, religious, and prudential habits, the young of those classes of society whose morals, prudence, and religion are of more importance to the peace of society than all the education of all the other classes,—for the most part, unable even to write their names.

Having spoken of the quantity, Mr. Slaney then goes on to describe the quality, of the education which the children receive at Manchester. The rooms, generally speaking, are dark, small, dirty, and ill ventilated; many of them being used as dormitories as well as schools, which is extremely objectionable, — among other reasons, on the score of morality. One instance is mentioned, in which the size of the room was only 10 feet by 9, and not less than 47 children were found huddled together in it; and the little light which came through the only window in the apartment was obstructed by the schoolmaster, as that was the only part of the room in which he could see to teach. The great majority of these schools are conducted without even any attempt at order and rule; and the masters are often, indeed, persons who take up that profession because they can get nothing else to do. One of these persons, being asked if he could teach geography and the use of the globes, replied, that he was perfectly competent to do so, and that he found the globes very useful, as one of the globes represented one part of the earth and the other the other. Another, after answering, in a very off-hand way, all the questions addressed to him, — "Can you teach Greek?" — "Yes;" "Latin?" — "Yes;" (everything was "yes;") — observed to one of the committee, who, he saw, was committing his answers to writing, and when that gentleman remarked, in an under tone, "Here is *multum in parvo* indeed;" — "Ay, you may put down *multum in parvo* too." In another case, a schoolmaster was asked whether or not he paid proper attention to the morals of his pupils? "Oh, no," was the reply, "we do not teach morals here; they belong rather to the girls' school."

Such accounts as these, although they are amusing enough in themselves, exhibit a most melancholy picture of the condition of education. Having stated the want of education, the question arises, how is this want to be supplied? Upon this subject, I will lay down one or two principles, which form the framework of my Bill. In the first place, education must be voluntary. I more than repudiate, for I abjure and abominate, all plans for compulsory education. I know that, by this declaration, I may give offence to some fellow-labourers of mine in the cause of education, who are so blinded by their honest zeal as not to perceive the difference between the people, the Government, and the institutions of this country, and those of Prussia. The people of Prussia are drilled like persons living in a camp, and are to be considered more in the light of regular troops than a people of a state. I dislike the whole Prussian system, and I will state a fact illustrative of its character. A friend of mine, being lately in Prussia, was desirous of having a prescription, written by Sir H. Halford, made up; but he could find no apothecary who dared to do this, unless the prescription was countersigned by a Prussian physician; and he could get no Prussian physician to subscribe the prescription, until it should have been previously signed by another Prussian physician. My Lords, it is because I love education, and wish to make it popular, that I desire that the first principle may be a voluntary system.

The second principle, my Lords, is, that there should not be any one uniform plan of instruction, for the mere sake of symmetry, in all parts of the country. In different places, it were better that there should be different principles of instruction; that there should be one school in a manufacturing district for teaching one sort of learning, and another school in an agricultural district for teaching another sort of learning. The third principle is, that those who pay for the expenses of schools should have a considerable share in their management; and if this management be intrusted to them under due restrictions, they would not only send their own children to the schools, but would get other people to send theirs. The fourth principle is, that, though the ratepayers in a district ought to have much to say in the management of the schools, yet they should not be allowed an uncontrolled and absolute discretion. Consequently, the Central Board to be established by the Legislature, under proper regulations, would exercise a check and control over the conduct of the ratepayers. The only other principle, my Lords, which I will now mention, is, that the Central Board should have the power of transferring improvements in the system of education from one part of the country to another. My Lords, it is upon these principles that the present Bill is framed; and some other provisions are added, among which is one for religious instruction. The fundamental principle of the measure is this, — that no

place shall be compelled to maintain schools if it does not require them; but, if any place or body of inhabitants want to have a school, then power will be given to summon a school meeting, composed of the ratepayers of the district; and the majority at the meeting will be so far entitled to bind the minority as to have the right of opening a communication, should they desire a school, with the Central Board of Education. This board will then have a check and control over the proceedings of the majority, and no money can be raised without its sanction. This, my Lords, leads me to explain the constitution of the board. I propose that it shall be composed of two great officers of state, removable by the Crown, and, of course, responsible to Parliament, — and of three other irremovable commissioners, to be appointed either by the Crown or by statute, and removable only by Address of both Houses of Parliament. For ordinary purposes, a majority of three shall be a prevailing majority in this board; but, on questions relating to the expenditure of money, or the levying of a rate, the majority, in order to be binding, must contain at least one of the Ministers of the Crown. Then, my Lords, with respect to the disposal of patronage. The appointment of a secretary to the board, of clerks and school inspectors, ought not, on constitutional principles, to be placed in the hands of irremovable commissioners. The board being established, one of its functions will be the superintendence of parliamentary grants for the purpose of education. At present, when money is voted for this object, the executive Government may do whatever they please with it. They have chosen to give the money to the schools of the two societies; but they have the power of giving it to one or to neither. I had much rather so very important a function as that of dispensing parliamentary grants for the purpose of education were exercised by this central body, allowing a *veto* to the Government.

I will now state another important duty which the Central Board will have to perform. It might be that a majority of ratepayers would desire to establish a school where none was really wanted. It might be a local job; and therefore, to prevent such a transaction, the joint consent of the ratepayers and of the Central Board, for the establishment of a school, will be required. It is not likely that the Central Board would refuse its sanction to the establishment of a school, if the meeting of ratepayers were unanimous in favour of its establishment; but it might happen that it would be the duty of the board to protect the minority against the majority. It will, however, always be in the power of the party defeated, to establish a voluntary school of their own. The Central Board are to have the power of naming inspectors, and will have access to all the schools which choose to put themselves in connection with the board; and let it not be supposed that the number of such schools will be few; for all persons connected with schools, who wish to have it known that they discharge their duty properly, would invite inspection. Of course, all schools which receive assistance from the public purse will be placed under inspection. Such is the provision with regard to inspection, — to which every person accustomed to the business of education attaches the greatest importance.

My Lords, there now only remain two parts of the subject for me to explain; one of these relates to the question of religious instruction, and the other to the qualification of voters for schools. It was a question, at first, whether any provision should be put in the Bill in reference to religious instruction; (for it was certain that the question would be raised in the course of debate;) and by some it was thought a better way to say nothing on the subject, until it should be so brought on. It is perfectly easy to separate secular from religious instruction. It is impossible to deny that you may teach the one without the other; but, nevertheless, after a full consideration of the case, I have come to the conclusion that religious education should be given under the Bill to as great an extent as could be given in schools supported by all the ratepayers of a parish. I had the good fortune to meet, some time ago, with a number of individuals who came to consult me on a subject that then agitated the whole country, — and that was, the subject of negro slavery; they were the delegates from fifty or sixty towns in the kingdom; and, having expressed a desire, during their stay in London, of having a conference with me on the subject of national education, I granted their request; and I will confess that the question I most wished to discuss with them was, that of mixing religious with secular instruction, because some of them were Churchmen, and the rest of them professed other religious persuasions. Now, I found that the opinions of all these individuals — and it is a remarkable fact, since they were of various religious denominations, of various political opinions, of various ranks in society — was, that they had no doubt whatever of the importance of making some provision for religious instruction in schools. I had

in my own mind, great doubts on the subject, — and I have often stated the grounds of those doubts; but I at once felt the impropriety of persevering in that course; and I may fairly say, I yielded — not merely to the authority and indication of public opinion, but also to the force of reason, and of one reason especially, which was, that, although I might say children should be taught secular knowledge in the schools, and their friends might get clergymen or other religious teachers to give them spiritual instruction; yet it was contended that this was too much to expect for a poor man's child, as he could not afford it, and that one teacher must give them both religious and secular instruction. It was from these considerations that I introduced into the Bill a provision to this effect,—"That it shall not be lawful for the board to sanction the establishment of any school in which it is not, as a part of the regulations of the school, proposed that the Scriptures" — I mean the authorised version—"shall be taught." If, indeed, a Roman Catholic object to the authorised version, then his child shall not be compelled to remain in the school while the Scriptures are being read; but, at the same time, it is expected, that, if he have any objection, it shall be signified beforehand. I, however, have found, to my great satisfaction, that some of the noblest and highest Roman Catholics in this country did not object to children being taught in the authorised version, and they seemed almost to think it impossible that Roman Catholics generally could object to it. And, when I state this, allow me to add, that, in my part of the work of public education, I never met with more zealous co-operation — with more liberal, I may say more munificent, aid towards Christian education, — than I have had from the Jews; and that the largest sums subscribed by any persons towards that object, have really been contributed by persons of the Jewish persuasion. It is also proposed, that if, in any school, the local directors, being members of any sect or church, shall, as a part of their rules, direct that the Catechism, the Liturgy, and the Articles of the Church are to be taught, the board shall be allowed to sanction such schools, — there being an exception in favour of Roman Catholics as to reading the authorised version of the Scriptures, and of the Jews as to reading the New Testament, — that their children shall not be compelled to attend whilst they are being read. There is no provision for Dissenters only; and for this reason, — because, as there is a church established by law, I think it a departure from law to establish a system of instruction, to be supported by the public funds, that shall have separate provisions for Dissenters.

My Lords, I will avow my opinion that, so great is my desire to see the people educated — so infinitely important do I consider it to be for their religious welfare, their temporal welfare, their rank in the scale of society, their moral good and spiritual good, that they should be taught, — that, if I could not obtain for them religious instruction in the manner I wished, I would say, "Teach them secular knowledge in the schools, such as would lead them to get religious instruction for themselves hereafter;" but I would add, that if I could not get them taught in secular branches without such religious instruction as I might disapprove of, my opinion clearly and decidedly is, after mature consideration, infinite discussion, and much discrepancy with my fellow workmen on this ground, that, though I might lament it, — though I might wish it were otherwise, — though I might have the greatest possible desire to see a different kind of religious instruction introduced from that which is actually adopted, — yet, so great is my alarm at ignorance, and the bad consequences resulting from it to the morals, peace, and frame of society, that, rather than they should not be taught at all, I would have them taught branches of secular knowledge, with religious instruction in creeds of which I might disapprove. I am as much opposed to the intolerant principles of some religious sects as any man; but it is not so much my object to correct this intolerance, as to eradicate that most noxious evil—ignorance. My Lords, I have now to add some remarks on that which I feel to be the most important of all kinds of education, because it goes at once, straight as an arrow, to the very pith of public morality, — to the amount of crime in this country, — to the whole administration of criminal justice,—and does more for the prevention of crime than the example of punishment; — I mean infantine education. I verily believe, from all my observation on this matter, and from all I have heard, that, though the law must be executed, and the statutes of the penal code are necessary, — though much depends on the judicial structure of that code, and its firm execution in practice, — yet the good that is done in preventing crime by the force of examples of punishment, is lamentably less than is generally supposed. I have talked to many Secretaries of State, many judges, many gaolers, and other persons who have had an opportunity of forming correct opinions on this subject; and the result of all my communications has been, that persons must not

flatter themselves by ascribing too great virtue to the force of example by the punishment of some, for deterring others from the commission of crime. When the strong passions of man are excited, — his detestable feelings of lust, or the more ungovernable passion of gambling, — the temptation before him, and the urgency of other feelings, put to flight all the lessons or examples he may have seen of punishment for committing similar offences. I do not mean to say that examples do not produce some effect; but of this I am morally certain, — that that effect is much overrated. The only mode of preventing crime is, to "train up a child in the way he should go." If you take infants at the earliest stage, as soon as they can be taken from their mothers, and implant in their minds a regard for truth, — the first foundation of all honour, comfort, and morals, and kindly feelings towards their fellow creatures, — and if you also repress in them the love of everything that is low, detestable, and abominable, — taking them out of the way of evil temptations, and leading them to contract better and purer habits, — then I do hope, as much as the frail nature of man will permit, to eradicate the crimes and the other noxious results that spring from ignorance. It is the lower classes of the people who furnish the greatest number of criminals; and therefore, if you take the children of the lower classes, and train them up in better habits, you will cut off the great source of supplying criminals. My Lords, my firm opinion is, that, in any system of education, you may establish not only normal schools, but infant schools must form a leading feature; and that this would tend to remove the greatest blot on the morals of the country, and ought to be the object of the peculiar care of all. I now come, my Lords, to a subject which, after much discussion, I have introduced into this Bill, — I mean the educational suffrage, or the power of voting at all school meetings, being given to any person who has been three years a member of any Mechanics' or other Institution, so as to prove that he is a respectable man, and worthy of such a vote. I, indeed, will go further, and say, that any person having the certificate of a schoolmaster, of due attendance at any school instituted under this Bill, should have the right of voting as to the choice of the school committee. That, however, is not an essential principle of the Bill. It may fall off, and yet the Bill, in principle, may remain. The three points which the second reading will establish are, — first, that a system of public education is necessary; secondly, that it shall be under the control of a Central Board; and, thirdly, that schools shall be established by the joint assent of the Central Board, the local authorities, and the ratepayers. I have, now, only to offer my sincere thanks for the attention with which your Lordships have honoured me during the remarks I have made; and I shall conclude by moving, "That the Bill be now read a second time."

Question put.

The BISHOP of CHICHESTER. — I present myself thus early to the notice of the House, not from any vain persuasion that what I have to say is calculated to give that degree of light and interest to the important subject before us, which your Lordships have a right to expect from those who put themselves voluntarily forward in front of the debate; for I am far too conscious of my own deficiencies to indulge in such a notion; still less from any ill-advised eagerness to contend with the Noble and Learned Lord, whose exertions in the cause of education I have long admired; but, because, having been unable to deliver my opinion during a former debate on the same subject, when I had the misfortune to differ from the Most Reverend Prelate, to whom I owe, and towards whom I am desirous to cultivate, all canonical obedience, I am anxious to profit by the present occasion, for the same purpose; — and the more so, because the Noble and Learned Lord has alluded to the discrepancy of opinions to be found on this question on the Right Reverend Bench. I trust, therefore, that, before I apply myself to the scheme of education propounded to the House by the Noble Lord, I shall be pardoned for offering a few remarks which, while they may serve to throw light upon the grounds of my former vote, will acquit me of any inconsistency in now opposing, as I intend to do, the motion of the Noble and Learned Lord. My Lords, I dissented, upon that occasion, from the motion of the Most Reverend Prelate, and of the Right Reverend Prelate who presides over this diocese in which we are sitting; not because I differ materially in opinion respecting the great principle of national education, — for I agree cordially in much that fell from both the Most Reverend Prelate and the Noble and Learned Lord, — but because I could not honestly and conscientiously bring my mind to the conclusion at which they had arrived, and which was expressed in resolutions that were submitted to the House only a few hours before the Members were called upon to decide upon them. I cannot think that there is that difference, either as

responsibility or regulation, between the new authority, and the old, appointed for the distribution of the Government grant, which should authorise the extraordinary measure of an Address to the Queen, and justify those who have approved of the regulations for so many years, in disapproving and condemning the minutes of the new committee. On the contrary, I felt that, in some respects, the alterations suggested in the minutes of the committee constituted a ground of preference in its favour. That a Committee of the Privy Council, with the Lord Treasurer at his head, and the Chancellor of the Exchequer at his side, was quite as responsible as the Chancellor of the Exchequer alone; and that a power to deviate, occasionally, from the stoical regulations respecting local subscriptions for the purpose of assisting destitute parishes, was a truly Christian improvement, and one which I recommended in a charge to my own clergy; and that the appointment of Government inspectors, not for the purpose of regulating or interfering with the instruction, but to satisfy the Government that the money raised from the people had been spent for the advantage of the people with respect to those matters for which it was granted; — these were differences which I approved of. And whereas the resolutions affirm that there is no assurance, on the part of the Government, that the plan of model schools proposed in their former minutes, and which have been abandoned, should not be resumed at their own discretion, I felt and believed that there was an assurance of the very strongest kind, — an assurance partly derived from the circumstances themselves— (such, namely, as the inadequacy of the sum left at their disposal, the largest portion of it having been already distinctly assigned to other objects; the limitation, by Parliament, of the grant to a single year, in consequence of the necessity of applying at that period for a renewal of their powers;) — but, above all, from the declaration of the Noble Marquess the President of the Council, and in the character and honour of the persons appointed to manage the grant; — I felt, I say, an invincible assurance that recourse would not be had to any unfair advantage, to renew what, in the most open manner, they had professed for a time to abandon. I trust, my Lords, that this explanation will suffice to acquit me of all inconsistency in the motion I am about to make.

The Noble and Learned Lord has declared, in his speech, that the two questions are distinct; and, in justice to my own feelings, I may now add that, in all substantial points, there is little difference betwixt my own opinion and that of the great majority on the Right Reverend Bench. We are, at this moment, all labouring together in the great cause of popular education, collectively, in the National Society, and separately, in our several dioceses, and through the powerful and zealous agency of the parochial clergy. And we are not without a well-grounded hope that we shall be able, by great and united efforts, to establish throughout the country an harmonious system of national education, which, while it is founded upon the basis of Christian instruction, according to the principles of the established church, will be so extended and improved in all secular subjects, as to satisfy the most sanguine friends of popular education,—and, when known to the Noble and Learned Lord, will induce him to withdraw the plan which he has proposed to your Lordships, and which he, himself, can only hope to carry upon the ground of some deficiency in the present means. The Bill of the Noble and Learned Lord proposes a scheme for the education of the people in a country earnest, intelligent, and, humanly speaking, religious above its neighbours,—living satisfied, for the most part, under the spiritual superintendence of an established religion, whose doctrines we approve, and whose benefits we are desirous of transmitting to our posterity. For such a purpose we are well aware that the education of the people is an important means, widely diffused and long practised throughout the country. For this people a scheme of education is proposed, which has the remarkable defect,—that it has no reference whatever to that established church, or to any of its offices or ministrations, hitherto held to be so influential in this department of instruction. I have read the Bill with great attention; but I cannot find in any of its clauses the word "clergyman" expressed or implied, or any other reference whatsoever to the office which he bears; no more, in truth, than if there had been no established religion in the country. My Lords, this is the first great objection; but, looking further into the Bill, it will be seen that every part of the minutes of the Committee of the Privy Council, which have been lately the subject of animadversion in this House, will be found in the Noble and Learned Lord's Bill, but carried to a far greater extent, and without any of those limitations and restrictions which serve to reconcile the minutes of the committee to our minds. For instance, the Committee of the Privy Council has been condemned, because it consists of lay members of the Privy Council

only, without any of the bishops, though it is constituted solely for the distribution and management of the Government grant, and does not pretend to regulate the quality and matter of the instruction. But the scheme of the Noble and Learned Lord sets out with the establishment of a commission much more comprehensive in its aims, to be intrusted with the management of much larger funds, and with authority to consider and control all matters relating to the education of the people; and having three paid commissioners, only removable by a vote of Parliament. But this is not all. While the Committee of the Privy Council leave the schools in villages and towns, to the superintendence of the clergy, the scheme of the Noble and Learned Lord aims at establishing in every parish and every town a committee, with power to manage the schools, and to make rates for their maintenance. And then, my Lords, let it be considered of whom this committee might consist. I will not say that such a case might occur frequently, for the good sense of the country would prevent it; but there might be many approximations to it; for, as the ratepayers are to elect, the chairman might be the shopkeeper or the clerk of the parish, and the clergyman might sit as one of the committee. Surely, such a change as this in country parishes could never be tolerated. Again, it is objected to the Committee of the Council, that they retain the right of inspection; though, as explained by the Noble Marquess, this right is restricted to those matters for which the money is granted. But the inspectors of the Noble and Learned Lord, ten in number, are to have power to take under their examination and review the whole state, condition, and conducting of all the schools connected with them, — and, indeed, of many others that are not so,—and to report upon them; and the commissioners, upon such Report, are to give opinion and advice touching the conducting of the same. And whereas it is imputed to the Government that they had intended to establish one model school for the advantage of all classes of her Majesty's subjects, of all religious persuasions, — a scheme which they afterwards abandoned, on account of the difficulties which surrounded it, — the plan of the Noble and Learned Lord contemplates the establishment of schools for mixed education throughout the whole country; and proposes, at once, that indefinite extension of the scheme, the distant possibility of which is regarded with alarm by the supporters of the Address.

It is not, however, necessary for me to dwell longer upon objections, which would better appear in committee, should the Bill ever reach that stage; I will rather apply myself to the only grounds upon which such a strong measure as the Noble and Learned Lord's can be fairly advocated, — the alleged inadequacy of the present means of education in the country; — namely, of the National Society, as the great centre of communication and direction, of the schools in union with it, and of the clergy, who are the supporters as well as the superintendents of popular instruction throughout the kingdom. With respect to the first, — the National Society, — I am disposed to think that the Noble and Learned Lord has greatly underrated the number who are educated under its influence, and that the Returns furnished to the committee are, in point of fact, much nearer to the truth. There may, possibly, be some error in combining Sunday schools with day schools, — the same children being sometimes liable to be reckoned over twice. But this error is not common, and great pains have been taken to prevent it, as I well know; and I, myself, have instituted inquiries in my own diocese, and have reason to believe that the reports of the society are correct. I cannot doubt, indeed, that the number of children at present receiving education under the auspices of the society amounts, at least, to nearly a million; and I have reason to know that many schools, whose teaching is in perfect conformity with that of the National Society, are not now reckoned in the number, because not actually and technically in union. But, whatever deficiencies may be supposed to exist, I have now the pleasure to state that they are in a way to be removed. Great accessions of numbers and of force are daily made to the society. New measures are about to be taken for extending and improving the education; diocesan and local boards for education are being formed, or are already formed, in every part of the country; a college is already in preparation for the more effectual training of masters, and for a model school; and a most liberal salary of 400*l.* a-year, and a house, are offered to the person who shall be deemed qualified to undertake the important task of superintending its management.

My Lords, I will now pass on to the consideration of the clergy themselves, and the assistances which they have hitherto rendered, and are still disposed to give, in the furtherance of education. The Noble and Learned Lord argued, — more largely, indeed, on a former night, but shortly on the present occasion,—that the clergy of our establishment, occupied

as they are, or ought to be, in labours of a purely ministerial character, in compositions for the pulpit, in pastoral visits, and in all those subsidiary cares and studies which serve to adorn or to commend their lessons, have not sufficient time to instruct the children of their parishes even in religious knowledge, much less in those secular acquirements which the times require. I am convinced that the clergy of this country would at once disown this plea, and repudiate the leisure they might obtain by it. If the case should ever come to this, — if the whole burden of educating the poor should be thrown upon them, — they would be ready to expend themselves, and to be spent, in such a cause; and, rather than deliver up to others a charge which their Divine Master solemnly committed to his Apostles, and which has been transmitted by direct succession to themselves, they would still gird themselves for the task, and persevere in it even to their own injury. But, my Lords, how stands the fact? Are the clergy of the church expected to be schoolmasters? Are they required, practically, to teach even the spiritual, much less the secular, lessons given in the school? — to watch over the whole progress of the scholars, and to administer the punishments and rewards? If that be the case, of what use would be the schoolmaster? and why should we now unite in the cry of the Noble and Learned Lord, for better masters and new training schools? No; what is required from them is this, — to be the sole superintendents of the Christian doctrines and lessons taught in the schools; to select the books; to visit frequently the classes; to try and examine the children, especially in their catechism and religious progress; to counsel and to aid the masters. This is all that they are charged to undertake; this is what they are willing, and what they are able, to do; and they can do it in their daily walks with little sacrifice of time.

But there is another fact corroborative of the sufficiency which has been stated, and which I will not refrain from bringing before the House; a fact so creditable as it is to the clergy, so conclusive upon the point before us, and so instructive of our present moral state. There is no person, my Lords, acquainted with the actual effects of the Poor Law Amendment Act, but must have observed—and I wish it may not furnish another arrow to the quiver of the Noble Earl (Stanhope) — that it compels the parents to take their children from the parish schools at an earlier age than they were wont to do before the passing of that Act; and for this reason, — that, to guard even for their present independent support, much more to provide against the future, it is absolutely necessary that the poor man should bring to market the labour of his children as well as his own, from the moment that any value attaches to it. The earliest period, therefore, that a parent can profit by the labour of a child, is that period which puts an end to his instruction at the day school; and this happens, often, at so early an age, that all the previous instruction is in danger of being entirely lost. But let it be remarked, how the ingenious zeal of the clergy has endeavoured to supply this defect. Already, evening schools have been established in many parts of the diocese of Chichester, for the express purpose of continuing and supporting instruction, both religious and secular, till children arrive at an age when such education will be no longer necessary. I trust, therefore, that there is no good ground for believing that the clergy have not sufficient leisure for this task; and when it is considered, further, what a beautiful provision is made in this early intercourse in the school for a confidential spiritual communion between the clergyman and his flock,—of what great advantage it may become in every season and circumstance of their lives, more especially in preparations for confirmation and the holy communion, — the friends of the church will surely be desirous to pause, before they adopt any plan which shall be the means of removing the clergy from that superintendence in the schools which is now practically committed to them. The Noble and Learned Lord has already pointed out the great distinction between the inhabitants of this free country and those of Prussia, with respect to the arbitrary regulations of the Government; and if he will but extend his enlightened views a little further, he cannot, I think, fail to perceive that, for a similar reason, every scheme of education that, in the present state of the public mind, shall embrace all sects and persuasions of religion,—as does that of the Noble and Learned Lord,— will be impracticable. The people of this country are neither indifferent nor cold enough for such an experiment: and there is one striking point of difference between England, Nassau, and Prussia, which will prevent the same general education from being practicable here as there; and that is, the greater zeal and earnestness with which they are wont to regard religion and religious differences. I do not say this boastfully; the difference may appertain, in some measure, to our national character, and only shows

a tenacity and earnestness which have appeared in our history before; but, so long as this difference does exist, so long will it be impossible to educate all persuasions of religion together, — supposing every other objection to be removed, — without pain, jealousy, and heartburnings. Under these impressions, I am desirous to move what I wish, at least, to be the most respectful mode of opposing the plan of the Noble Lord, "That the Bill be read this day six months."

VISCOUNT MELBOURNE. — In all the discussions we have had on this question, — in all the opinions which I have heard stated, — I have always heard it readily admitted, that some more general system for the education of the people of this country, than that which exists at present, is most imperatively and imperiously demanded, by the situation of the population, by the increasing intelligence of the country, and the general feeling of the whole of the people. My Noble and Learned Friend has certainly brought forward his Bill in a very clear, and able, and distinct manner; he has stated all the grounds on which this, his measure, is founded; he has stated the object which he has in view, and the means which he conceives he has of effecting it. My Noble and Learned Friend also stated, that all he meant to establish, by the second reading of this Bill, was, that such a general control should be provided, that something should be done for introducing a better system of education amongst the people of this country; that all the objections stated by the Right Reverend Prelate were open for consideration; that, with respect to the constitution of the board, and all other matters of detail with respect to the qualification of voting, they were all open to consideration for the alteration or amendment of your Lordships, according to the rules of this House. Concurring, therefore, especially in the object of this Bill, — concurring in much of the argument on which my Noble and Learned Friend has grounded himself in moving his Bill, — unquestionably, if pressed to a division, I do not see how I could possibly refuse my Noble and Learned Friend my vote, or to go into the consideration of the subject, which, by general admission, by the voice of all mankind, is admitted to require speedy and effectual consideration. At the same time, when I hear the objections which are entertained to this Bill, — when I consider the period of the Session at which we have arrived, — I am of opinion that, if we were to give the Bill a second reading, there is little chance of our being able to bring it to any determination so as to pass any law on the subject this Session. I cannot, therefore, but suggest to my Noble and Learned Friend, whether it would not be more consistent with his own object, if he were not to press his motion to a division now, but to withdraw his measure for the present Session, and bring it forward at another time, with such amendments and such alterations as are required, or as his great knowledge of the subject and his abilities may suggest?

LORD BROUGHAM. — I cannot help feeling the force of what my Noble Friend (Viscount Melbourne) has said, when I recollect that this is the 15th of July. My only objection, in delaying the Bill, without taking the sense of the House, is, that to do so may seem to some to be trifling with the subject. I know that, if I divide, and have a very small minority, the number in favour of my measure will, year after year, increase; I know that I am right; and I am sure that the more the plan is discussed, the more converts it will gain. I should not, therefore, be discouraged by a small division. Still, after what my Noble Friend has said respecting the period of the Session, it is very right to come to the conclusion which he has urged, at the same time giving notice that I shall bring the measure forward at an early period of next Session. God forbid that any measure should pass, having anything like the effect which the Right Reverend Prelate has deprecated, — of removing the clergy from their most useful, most able, and most honest exertions on behalf of education! My opinion is, that this measure will give additional vigour, extent, and scope to the exertions of the clergy. At present, the clergy have no more than a voluntary superintendence; but they have no superintendence either in law or in fact of the secular education. What I want is — not to call into operation different schools to take away the support of the clergy, but — to put the present schools on the best footing, without supplanting the clergy at all. I know, by experience, what are those great and regular calls on the purses of the Right Reverend Prelates for many purposes, which reduce greatly their nominal incomes; but I am glad to find that, notwithstanding this, they are coming forward with large subscriptions for education. God prosper their work! But suppose they should succeed in raising 100,000*l.*, what would be the use of that amount compared with the 200,000*l.* or 300,000*l.* a-year which the board can

raise? As to what the Right Reverend Prelate has said on the subject of an ecclesiastical member of the board,—there is nothing in my Bill which prevents any prelate from being one of the commissioners nominated by the Crown; but—by putting a prelate on the board, you raise the question, whether a dissenting clergyman ought not to be there also?

The MARQUESS of LANSDOWNE.—That is the difficulty.

LORD BROUGHAM.—I think that it would be advisable, therefore, to adopt the rule laid down for the Poor Law boards in Ireland,—of allowing neither a clergyman of the established church, nor a dissenting clergyman, to sit on the board; but it is not necessary to discuss the point at present. As both the Church and Dissenters are all agreed that something must be done to effect a better and more systematic education in the country, I hope that this amicable decision (for such it is) will have the effect of smoothing the path to that object; and that, before long, we shall come to a state of things to which no insuperable objections will be found, and in which the wishes of all men will be attended to.

The original motion and the amendment were then (by leave of the House) withdrawn.

TURNPIKE ACTS CONTINUANCE BILL.

Brought from the Commons; read a first time, and to be read a second time to-morrow.

SPIRITUAL SERVICES OF PARISHES BILL.

Returned from the Commons, agreed to, with amendments; and Commons' amendments considered, and agreed to.

RULES OF PROCEEDINGS (BOROUGH COURTS) (No. 2.) BILL.

Commons' amendments considered, and agreed to.

COURTS OF OYER AND TERMINER AND GAOL DELIVERY.

The Earl of Chichester presented a Bill for declaring what prisoners shall be tried at courts of oyer and terminer and gaol delivery.—Read a first time, and to be printed.

HIGHWAYS AND TURNPIKE ROADS.

The Duke of Richmond presented a Bill for procuring Returns relative to the highways and turnpike roads in England.—Read a first time; to be printed; and to be read a second time on Thursday next.

ESTABLISHED CHURCH.

Petition praying for the adoption of measures for the increase of church accommodation,—of inhabitants of Bradford and its vicinity.—Read, and ordered to lie on the table.

POSTAGE.

Petition for reduction of the rate of,—of inhabitants of St. Mawes.—Read, and ordered to lie on the table.

PAPERS.

Report made by order of the Commissioners for the Improvement of the River Shannon, on a preliminary examination of the country between the Rivers Shannon and Erne, with a view to the formation of a proposed junction canal between the navigations of these rivers, by W. T. Mulvany, civil engineer.—Delivered (by command), and ordered to lie on the table.

Fourth Report of the Inspectors of Prisons (Scotland, Northumberland, and Durham).—Delivered (by command), and ordered to lie on the table.

Analytical Index to the Reports of the Commissioners appointed to inquire into the Municipal Corporations (England and Wales).—Delivered (by command), and ordered to lie on the table.

Report addressed to the Commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as the result of an inquiry, undertaken under the authority of the Lords Commissioners of her Majesty's Treasury, by Charles Barry, Esquire, H. T. De la Beche, Esquire, F. R. S. and F. G. S., William Smith, Esquire, D. C. L. and F. G. S., and Mr. Charles H. Smith, with reference to the selection of stone for building the new Houses of Parliament.—Delivered (by command), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Bligh's Estate Bill. — Read a second time, and committed to Mr. FRESHFIELD and the West Cornwall list.

Rathkeale (Limerick) Inclosure Bill. — Read a third time; further proceeding adjourned till to-morrow.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill.—Time further enlarged for committee to report till Monday next.

Boulton's Estate Bill; Templer's Estate Bill. — Read a first time; to be read a second time.

LONDON CITY POLICE BILL.

Read a third time; thirty clauses added, for the purpose of making the system of police uniform in the metropolitan districts and the city of London.

On the question, "That the thirtieth clause be added to the Bill," —

SIR GEORGE CLERK said: — As this is the last of so large a number of clauses introduced on the third reading of the Bill, I cannot allow the opportunity to pass without entering my protest against such an unparalleled mode of legislation. If the Journals of the House were searched from the earliest period, I believe, no instance would be found in which such a mass of new clauses — several of them penal ones, too — have been added to a Bill at the third reading. I am aware that they are merely transcripts of clauses to which the House has already assented in the Metropolitan Police Bill; and I trust, therefore, that the course adopted in this case will not be drawn into a precedent. But it would have been more regular to have followed the example of the promoters of the Small Debts Bills, and to have withdrawn this Bill in order to introduce the clauses in a proper form, instead of hurrying them through their several stages in this wholesale way. However, as they are merely transcripts of clauses that have been already assented to by the House, I shall not press my objections further than to suggest that some entry should be made in the Journals of the House, to prevent the procedure, sanctioned in this instance, from being drawn into a precedent; which might be attended with very inconvenient consequences.

Mr. FOX MAULE. — The Honourable Baronet is, no doubt, actuated by a very laudable desire to preserve regularity in our forms of proceeding; but I think it might have occurred to the Honourable Baronet, on an earlier occasion, to have moved the withdrawal of the Bill on that account. I should be sorry if the course which I have adopted should produce any inconvenience; but I really do not think, — as the clauses are admittedly mere transcripts taken from another Bill, which has been sanctioned by the House, — that it would be worth while to make any entry in the Journals.

Mr. HUME. — The question is, whether this proceeding is against the rules of the House? I do not believe it is; and while I agree with the Honourable Baronet, that it is one which would be exceedingly inconvenient if resorted to on ordinary occasions, I cannot help thinking that the present is an instance in which the course may be pursued, without dreading any inconvenient results whatever from the circumstance already stated.

Clause added to the Bill.

SIR G. CLERK. — Notwithstanding what has fallen from Honourable Members opposite, I think it would be safer to make a special entry in the Journals of the House, explanatory of the circumstance which has rendered such a course unobjectionable in this instance. I shall, therefore, take this opportunity of submitting to the House the following resolution: — "That, in consideration that the several clauses which have been added to this Bill by way of rider, are copies of clauses to the same effect which have been agreed to by the Committee on the Metropolis Police Bill, this House has permitted them to be added to the Police Bill for the

city of London; but that a special entry be made in the Journals of this House of the proceedings in this case, in order that the addition of so great a number of clauses, on the third reading of a Bill, many of them being penalty clauses, may not be drawn into a precedent in future."

Agreed to.

Amendment proposed by Mr. PATTISON, in press 3. line 29., to leave out "court of mayor and aldermen," in order to insert the words "said mayor, aldermen, and commons, in common council assembled."

Question proposed, "That the words proposed to be left out stand part of the Bill."

SIR JAMES GRAHAM. — I cannot consent to the amendment of the Honourable Member for London. I was a member of the select committee to whom the Bill was referred; and we were unanimously of opinion that, as the commissioner would often have unpopular duties to discharge, the power of removing him ought not to be placed in the hands of a popular body.

Mr. FOX MAULE. — I am decidedly of opinion, with the Right Honourable Baronet, that the power of dismissing the commissioner should not rest with the mayor, aldermen, and common council, but with the mayor and aldermen only. Besides, the proposition of the Honourable Member has already been negatived by a majority of the common council themselves.

Amendment, by leave, withdrawn.

Mr. MACKINNON. — This Bill contains a clause disqualifying the commissioner for a seat in this House, which I think her Majesty's Ministers must have introduced, by mistake. It is an anomalous clause. It has been taken from the Metropolitan Police Bill, in which the clause is properly inserted, that being a Public Bill; but this being a Private Bill, I do not see why the commissioner should be disqualified under it for sitting in Parliament, except as a Member for the city of London, or any of the metropolitan districts. I therefore propose, in press 6. line 27., after the words "House of Commons," to insert the words "for the city of London, or for any city or borough within the metropolitan district."

Question put, "That those words be there inserted."

Mr. W. WILLIAMS. — Sir, I believe that this is the first time in which such a provision has been made in a Bill of this kind. I have the strongest objection to it. I am quite surprised at its introduction, — more especially when I recollect that the Recorder, whose salary and emoluments are four times the amount of the income of a commissioner, has a seat in this House. I think it is intended, invidiously, in reference to the Honourable Member for Southwark, who enjoys the confidence of a great proportion of the citizens of London, and who has every prospect of being appointed commissioner under the Bill.

Mr. F. MAULE. — Sir, I cannot agree that this clause should be expunged; at the same time, I must express my objection to the manner in which the name of a Member of this House has been just introduced. I think the Honourable Member has placed the Member for Southwark and himself in no very enviable situation. The clause was framed without the slightest reference to any person whatever. In framing the Bill, it was natural the committee should look to the 10th Geo. IV.; and in that Bill is a clause excluding the Commissioners of Metropolitan Police from seats in this House. My Honourable Friend opposite says that that was a Public Act, introduced by the Minister of the day. But no one can deny that this is an Act of a public nature also. Another reason for the introduction of this clause is, that the duty of a commissioner would take up so much of his time, as to render his attendance in this House extremely inconvenient to the public service.

Mr. HUME. — Sir, this clause appears to me a direct interference with popular rights. It appears, by the Bill, that this officer is not to be appointed by the Crown. The question, then, is, whether we are to exclude every individual elected by the people? I do not know of any case in which this has been done; then why, now, start a new principle? The rule of exclusion here applied, has hitherto only been acted upon in the case of persons appointed to places of profit by the Crown, and not in that of persons appointed by the people.

SIR JAMES GRAHAM. — I wish to state my reasons for concurring in the insertion of these words. This appointment, though resting with the common council of London, is subject to the approbation of the Crown. It is also held

during the pleasure of the Crown, — for the Crown has the power of removal; and therefore it ought, in my opinion, to be a disqualification for Parliament. The office gives considerable power of patronage, such as must confer great electioneering influence; and therefore it is peculiarly objectionable that the holder of it should have any temptation to use his patronage for political purposes, or should be open to the suspicion of having done so. Besides, the duties of the office will be multifarious, and the salary ample; and there is every reason to require that the commissioner should give his whole time to the performance of his duties. I beg, in the expression of these opinions, to disclaim any reference to any individual. I think such an allusion would be exceeding bad taste, and would only embarrass the discussion; but, whether this be so, or not, I am of opinion that the clause, as it stands, ought to pass.

Mr. D'ISRAELI. — Sir, I think that the objection to allowing the commissioner to sit in Parliament, on the ground of his appointment being subject to the approbation of the Crown, would apply to the Speaker of this House, whose appointment requires to be sanctioned in the same way. With respect to the monopolising character of the duties, the argument might be urged, with just as much force, against every officer of state who has a seat in this House. Many an officer of state finds the double duty incompatible. The Noble Secretary for Foreign Affairs, for instance, is often obliged to absent himself, in consequence of the multifarious character of his duties. I have not been convinced by the supporters of this clause, — and I confess that I think, with the Honourable Member for Kilkenny, that this office should be no disqualification.

Mr. VILLIERS. — I think that much better reason might be found for excluding lords lieutenants of counties and county magistrates. No body of men possess more important patronage than lords lieutenants, and yet they have seats in this House; two thirds of the Members are county magistrates, who possess the important power of granting or withholding licences; and I am convinced that more votes have been obtained from the fear of having licences withheld, or from the hope of having them granted, than from any other cause. If the argument be of any force, it applies to county magistrates. I think that the main reason for disqualification —namely, the influence of the Crown — does not apply in this case; and, therefore, that the office ought not to be made a disqualification.

Mr. HAWES. — Sir, I feel myself obliged to say a few words on the subject under discussion. I have felt considerable interest in this subject, and have always been most anxious to prevent the introduction of anything like party politics in connection with it. I am decidedly in favour of excluding the commissioners of police from Parliament. One reason is, that the interests of the police force would be materially injured by having its chief in Parliament; another is drawn from the fact, that, at present, the Secretary of State for the Home Department is, in this House, exclusively at the head of the police force. He is responsible to all parties complaining of misconduct in that force. But it might be found highly inconvenient to have a commissioner of police in the House, also responsible and liable to have his conduct called in question, and, perhaps, of different politics from the Secretary of State. I do not see any reason for confining the disqualification to a particular place, because patronage in the city of London might readily be used to secure a return among any other constituency. I think it absolutely necessary that the commissioner of police should not be a Member of this House. I think the public generally should have confidence in him, without distinction of party, — a thing which could hardly be the case, had he a seat in this House. I beg to disclaim all reference to any individual, as my objection was stated before any name was mentioned for the situation.

Mr. HARVEY. — Sir, I shall not let the accidental and inappropriate, although well-intentioned, reference to myself, which was made by the Honourable Member for Coventry, induce me to suppress the expression of my opinion, as a Member of this House, on this measure. In the course of the remarks made by the Under Secretary of State, in opposition to the motion of my Honourable Friend the Member for Kilkenny, that Honourable Gentleman laid great stress on the fact, that the clause vesting the power of dismissal in the Secretary of State had received the approval of the common council. Though it was intimated that the clause itself was only carried by a majority of 1, the Honourable Gentleman on the other side seemed to attach as much importance to one vote as the Minister has done on other occasions, when the

smallness of a majority has been said to be of little importance. It was not mentioned that a motion had been made in the Court of Common Council, that the commissioner should not be qualified to sit in Parliament. The court was crowded; and, out of the whole number, there were not four persons found to support the motion. So much for the disposition to respect the majorities of the Court of Common Council. It appears to me that the House is singularly unacquainted with its own privileges. I very much doubt whether Gentlemen are aware, generally, of what constitutes a disqualification, and what constitutes a mere ineligibility; for I observed, that Honourable Gentlemen laid great stress on this appointment being under the Crown, and the officer being dismissible at the pleasure of the Crown. That is not so. Under the statute of Anne, where a new office of profit under the Crown is created, and where the holder is dismissible at pleasure, there is a disqualification. But a party, though holding an office of emolument, is not disqualified unless he be dismissible at pleasure. But the commissioner, under the Bill before the House, may only be dismissed for misconduct, or other reasonable cause; and that is precisely the case with the judges in their high office. A person is not, therefore, disqualified for a seat in this House by holding a new office under the Crown, if he is to hold it only so long as he conducts himself well. But the present office is not an office under the Crown. It is one to which the common council should, alone, appoint; and although the Crown has a *veto* upon it, that has nothing to do with it when such appointment is once made; for the party holding the office could only be dismissed for obvious misconduct, or other reasonable causes. What is the House now called upon to do? To establish, for the first time, the precedent of interfering with an appointment vested in the people. Now, if that is to be carried into legislation, let it be done on a general principle. I totally repudiate the narrow impression, that this clause had a personal origin. Yet it is unfortunate that the proceedings of the House should bear, however remotely, the suspicion of such an influence. Is there the same zealous anxiety to secure the independence of its Members in all its legislation? Look at a Bill now in the House, awaiting its *fiat* by which a salary of 4000*l.* will be given to the Judge of the Admiralty Court. That Bill was brought in by the Government. Why is not the same vigilant anxiety to guard the independence and honour of Members of the House shown with respect to that Bill, which is evinced in the introduction of this clause, directly against the recorded sentiments of the city of London? It is very well to disclaim all personal reference; but, still, parties expose themselves to inferences of that kind by such inconsistency. It is said that the officer in question will have so much and such constant duty to discharge, that we ought to guard against any distraction of his attention, consequent on his having a seat in this House. I would ask whether the office of the Judge of the Admiralty is to be a sinecure? — is the Judge of the Admiralty to receive 4000*l.* a-year for doing nothing? Is the Commissioner of the City Police, with his 1200*l.* a-year, to be from morning till night at his office, and to have not a minute to spare for anything else, while the Judge of the Admiralty, with 4000*l.* a-year, is to have abundant time to represent his constituents, and to support the Government in this House? Is there any consistency in that? There is another point. By the Municipal Corporation Reform Bill, all corporations have power to establish a police, and to place at its head a commissioner or chief. Have we put into that Bill a disqualifying clause as to that chief? If either of the Honourable Members for Liverpool were present, I would ask him whether there is not a police force in the town of Liverpool greater than that of the city of London? and whether the commissioner at its head has any disqualification affecting him? I would ask the slumbering legislators of this House, where the Corporation Reform Bill contains a clause disqualifying police constables? By the Bill before the House, if any one police constable is found voting in the city of London, he is subject to a penalty of 100*l.* Whence this vigilance to disqualify the citizens of London, and this criminal indifference as to the townspeople of Liverpool? I would ask the Honourable Members for Liverpool whether it has ever been found that the commissioner of the Liverpool police has, at any time, exercised an undue, or any interference at all, with election matters? But, suppose such an interference should take place,—is there no power of punishment? Cannot the body which appointed, and which must be the best judge of misconduct, dismiss? But Honourable Gentlemen seem to take it for granted, that the constituent bodies will slumber over their duty; and that it is incumbent on the House to take care of their interests for them. As to the objection, that the commissioner would have no time to attend to his duties in

Parliament, I should be glad to know whether the same rule is to apply to Members of this House, who, from professional or other causes, are much occupied elsewhere? Look at the barristers. They are in the courts from an early hour until four o'clock, and at chambers, again, until evening. Against whom could a stronger case for exclusion be made out, on that ground, than against those learned gentlemen? But if a constituency think fit to appoint a barrister, or any other man, and do not consider his having other duties a sufficient objection, no one has a right to gainsay the appointment. A large discretionary power must be vested somewhere; and the most fitting quarter is — the people themselves. The Honourable Member for Lambeth seems to think that, as the police are to be arbiters between conflicting interests, and to be untouched by passion or prejudice themselves, it is undesirable that the commissioner should have a seat in the House. I differ from that opinion. I think it would be far better, for instance, if a commissioner of the metropolitan police had been in the House the other evening, and had had the opportunity of vindicating himself from the charge of the Honourable Member for Oldham, — that the commissioners had been parties to the transference of the metropolitan police to the scene of the late struggle at Birmingham. I also think that the House ought to hesitate before it takes away one of the few means of recompence which the people have at their disposal, for consistent public services. I think it right, as a Member of the House, to express my opinion upon this subject. I think the constituencies ought to have liberty to choose whom they please; and the discretion — which must vest somewhere — of determining whether it should be a man holding office, or not. Even an occasional perversion of their power would be better than the appearance of being swayed by individual circumstances, in a manner unfavourable to the honesty and independence of the House.

SIR ROBERT PEEL. — Sir, I should be ashamed to disclaim being influenced by personal considerations in a matter of this kind; yet I am bound not to make any exceptions from a general principle of which I approve, in order to avoid the appearance of being so influenced. I do not know what prospects the Honourable Gentleman who has just sat down may have, of obtaining the office in question. I trust that those who have the bestowal of the place will give full opportunities to all who may be candidates, of submitting their qualifications for examination; and that they will feel how deeply the public interest requires that their choice should be governed solely by the fitness of the party selected. But the question now is, whether we are at liberty to attach a condition to a new appointment, — that the person holding it shall not hold a seat in Parliament? If I understood the Honourable Member for Southwark rightly, he laid down the position, that those only were excluded from Parliament, who held offices during pleasure. That is not so. The judges of England, and those of Scotland who have been placed on the same footing, are disqualified. Why? Because the power of sitting in Parliament is thought incompatible with their judicial functions. It is believed that the administration of justice would be less satisfactory, if those concerned in it were allowed to appear at the hustings and make popular appeals to the people. I say, then, that Parliament has a right, in creating this new office, to consider whether, on the whole, it would be expedient to allow the commissioner a seat in Parliament? Now, I have a very strong impression that he should not have a seat; and I think that his exclusion would have a very great effect in increasing the public confidence in his impartiality. I am not blaming public men for being partisans, because we are all partisans; but, when I consider the case of a gentleman who is to have the command of 500 men, the case is different, and it becomes imperatively necessary that Parliament should attach the condition of exclusion from a seat in this House to the acceptance of office. Let it be observed, that the two commissioners, who command four fifths of the police, are already excluded. There is no ground for any exception to this rule with regard to London. The Honourable Member for Southwark seems to consider Liverpool excluded. Liverpool has not come before us; and it is not specially excluded, because it is not necessary to be so. There is no likelihood of the Liverpool commissioner of police sitting in Parliament, because the attempt to do so would be, on his part, absurd; but we are now dealing with the case of a commissioner who might sit in Parliament. Suppose him a candidate for the city of London, having 500 police under his command, — would the party opposed to him have the same confidence in the conduct and management of that police force, during the election, that it would have if an indifferent person were at its head? Observe, too, what would be the position of the new commissio

with respect to the other two commissioners. He would command only 500 men, while they commanded 3000; but the disqualification for Parliament applying to them, alone, would make them, therefore, the subordinate officers. The commissioner having the command of the city police, and a seat in Parliament, would, undoubtedly, have a superiority over the other commissioners. Suppose, too, that that commissioner were a clever debater, — one, too, who made regular attacks upon the Secretary of State every night; — and supposing that all the regulations made by the Secretary of State should be denounced by him as tyrannical, and that he might declare that he would not submit to such rules; — all these things might legitimately occur; but what I want to have is a security against their occurrence. Having the opportunity of obtaining a guarantee for good government, I wish to secure it. The Secretary of State might happen to be unable to compete with so formidable an antagonist; and if unsuccessful in this House in opposing him, even though complaints should be made against such a commissioner, the Secretary of State might feel, under the circumstances, that such a person was the last man whom he ought to remove. I, myself, took great care not to make the appointment of a political partisan to such a situation; I even felt pleasure in taking a gentleman from the sister country, whose recommendation was his high character, and who could not be suspected of political partisanship; in short, the result has been, the general confidence of the public in those commissioners. I am certain that you cannot secure public confidence for your commissioner, except by appointing a man totally aloof from all party.

LORD JOHN RUSSELL. — Sir, I do not mean to enter into the argument touched upon by the Right Honourable Baronet; I wish merely to say, that if this office were vested in the Secretary of State, and not in the city, I should not think of making it a political appointment, or of vesting it in a Member of Parliament. There are many situations of a less objectionable nature, in which such an exclusion is enforced. I shall certainly vote for the clause.

The House divided: — Ayes 32; Noes 108; — Majority against the clause 76.

AYES.

Aglionby, H. A.	Brotherton, J.
Bowes, J.	Bryan, G.
Bridgeman, H.	D'Israeli, B.
Duke, Sir J.	Pryme, G.
Fielden, J.	Redington, T. N.
Harvey, D. W.	Salwey, Colonel
Heathcoat, J.	Sheil, R. L.
Hector, C. J.	Turner, E.
Hindley, C.	Vigors, N. A.
Humphery, J.	Villiers, Hon. C. P.
Kemble, H.	Wakley, T.
Morris, D.	Walker, R.
O'Brien, W. S.	Williams, W.
Parker, R. T.	Wood, Sir M.
Pattison, J.	
Pechell, Captain	*Tellers.*
Polhill, F.	Hume, J.
Power, James	Mackinnon, W. A.

NOES.

Ainsworth, P.	Hoskins, K.
Alsager, Captain	Howard, F. J.
Archdall, M.	Hurt, F.
Bagge, W.	Hutt, W.
Baines, E.	Hutton, R.
Baring, F. T.	Inglis, Sir R. H.
Barnard, E. G.	Irving, J.
Blackstone, W. S.	Jones, Captain
Blair, J.	Lascelles, Hon. W. S.
Blake, W. J.	Lincoln, Earl of
Brownrigg, S.	Marshall, W.
Buck, L. W.	Mildmay, P. St. John
Buller, Sir J. Y.	Morpeth, Lord Visct.
Burroughes, H. N.	Muskett, G. A.
Byng, G.	Nagle, Sir R.
Cavendish, Hon. G. H.	Packe, C. W.
Clerk, Sir G.	Palmer, G.
Cole, Lord Viscount	Palmerston, Lord Vt.
Colquhoun, J. C.	Parker, J.
Cowper, Hon. W. F.	Parker, M.
Darby, G.	Parnell, Right Hon. Sir H.
Donkin, Sir R. S.	Peel, Rt. Hon. Sir R.
Douglas, Sir C. E.	Perceval, Hon. G. J.
Duff, J.	Philips, M.
Eaton, R. J.	Pigot, D. R.
Egerton, W. T.	Plumptre, J. P.
Egerton, Sir P.	Rice, E. R.
Elliot, Hon. J. E.	Richards, R.
Ellis, J.	Rolfe, Sir R. M.
Estcourt, T. (Oxf. U.)	Russell, Lord J.
Evans, W.	Russell, Lord
Fector, J. M.	Rutherfurd, Rt. Hn. A.
Fitzroy, Lord C.	Sheppard, T.
Fitzroy, Hon. H.	Smith, J. A.
Fleetwood, Sir P. H.	Smith, A.
Forester, Hon. G.	Smith, R. V.
Freshfield, J. W.	Somerset, Lord G.
Gordon, Hon. Captain	Somerville, Sir W. M.
Graham, Rt. Hon. Sir J.	Spry, Sir S. T.
Grant, F. W.	Stanley, Hon. E. O.
Greenaway, C.	Stanley, Hon. W. O.
Grey, Rt. Hon. Sir C.	Steuart, R.
Grey, Rt. Hon. Sir G.	Stewart, James
Grimsditch, T.	Strutt, E.
Hale, R. B.	Surrey, Earl of
Halford, H.	Thomson, Right Hon. C. P.
Hall, Sir B.	Thornely, T.
Harcourt, G. G.	Troubridge, Sir E. T.
Hawes, B.	Williams, W. A.
Hawkins, J. H.	Worsley, Lord
Hill, Lord A. M. C.	Wrightson, W. B.
Hobhouse, T. B.	
Hodges, T. L.	*Tellers.*
Hodgson, R.	Maule, Hon. Fox
Hogg, J. W.	Wood, C.
Hope, Hon. C.	
Hope, H. T.	

Other amendments made; Bill passed.

PUBLIC BUSINESS.

MESSAGE FROM THE LORDS,

That they have agreed to — Paper Duties Bill; Glass Duties Bill; Brick Duties Bill; Newport Docks Bill, without amendment: Deptford Pier Bill, with amendments.

That they have passed, a Bill, intituled, "An Act for authorising the Sale of the Real Estate devised by the Will of Henry Boulton, Esquire, deceased, and for the Application of the Moneys to arise thereby."

Also, a Bill, intituled, "An Act for enabling the Trustees of the Will of the Reverend John Templer, Clerk, deceased, to exchange certain of the Real Estates thereby devised, situate in the County of Devon, for certain other Estates situate in the same County."

PAPERS, &c.

Carlow Borough Election. — Minutes of evidence and proceedings (ordered 12th of July) laid on the table.

Prisons. — Copy presented, — of the Fourth Report of the inspectors (by command.) — To lie on the table, and to be printed.

Municipal Corporations. — Copy presented, — of Analytical Index to Reports of the commissioners (by command.) — To lie on the table, and to be printed.

Public Petitions. — Thirty-sixth Report brought up, and read. — To lie on the table, and to be printed.

Handloom Weavers. — Return presented, — of number of convictions for the embezzlement of yarns by handloom weavers and others, in Forfar (Address 18th of June). — To lie on the table..

Poor Rates (Lambeth). — On the motion of Mr. FOX MAULE, Address for —

Copy of a communication addressed to her Majesty's Principal Secretary of State for the Home Department by the poor law guardians of Lambeth, relative to the refusal of the churchwardens and overseers to furnish means to the guardians for administering relief to the poor under the provisions of the Poor Law Amendment Act.

PETITIONS.

Postage. — Petition from Falmouth, for a low and uniform rate.

Also, from Barnstaple, in favour of the proposed measure.

To lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD JOHN RUSSELL moved the Order of the Day for the third reading of this Bill.

On the question being put, —

Mr. W. ROCHE presented a petition from Limerick in favour of the Bill.

Ordered to lie upon the table.

SIR ROBERT INGLIS. — Sir, the strong objections I have ever felt and expressed against this measure, are by no means diminished in their force, or altered in their character. The great — and, indeed, I might say, the only — argument in favour of the present Bill is, that, whereas we have adopted measures of this kind for England and for Scotland, we are bound to pursue a similar course as regards Ireland. But, I ask, will any Gentleman who has attended to the working of a similar measure in England, say — that it has realised any fair and reasonable expectations that were formed of it? I do not, however, rest upon this ground alone. I say that, were it possible that good could arise out of evil in legislation, I should still hold that we have no right to extend that evil to Ireland, merely because it has been carried into effect in England. I shall never cease to believe that the misconduct of the old municipal corporations in Ireland was grossly exaggerated; but, if it had been established, Parliament would have no right to violate existing rights. Sir, this is not a Bill to provide that Roman Catholics shall be eligible to fill offices in the city of Dublin: it is an annihilation of the existing corporation, and the raising a new one in its place. That may be wrong, or it may be right, — I will not enter into the question now; — but it is fitting that the House should see that the effect will be, that not a vestige of the corporation, as now existing, will be extant, this day six months, if this Bill do pass into the law of the land. What wrong is it that that body have perpetrated? That which has been alleged against them is — their exclusive character, or, in other words, that they have long been the depositories of Protestantism and loyalty. It is because they are Protestant

and English, that an attack has been made upon them by a party who consider it no reproach to be deemed Anti-protestant; and this Bill is a concession, not to consistency, but to that party. Sir, it is upon these grounds that I have always endeavoured to prevent the perpetration of this wrong; and, alone and unsupported though I may be, I feel it my bounden duty to raise my humble voice, so long as this House will permit me to be heard, against that which I conscientiously believe to be an injury and an evil. The grand supporters of this Bill tell us, both loudly and significantly, that this measure is calculated to promote the interests of their church; therefore you will not purchase peace, but merely a hollow truce, by abandoning these fortresses of Protestantism. This measure has been described both by its friends and its foes as hostile to Protestantism and favourable to Catholicism; and, on these general grounds, I hold the opinions I do, — opinions I have never swerved from. Sir, seeing the justice and truth of those opinions established more clearly by the course of events, — seeing, by every day's experience, that existing evils must be traced to past concessions, — I must resist further concession. Acting on this principle, Sir, I beg leave to move, by way of amendment, to leave out the word "now," and at the end of the question to add the words "upon this day three months."

Mr. PLUMPTRE. — I second the amendment.

Mr. O'CONNELL. — I will detain the House only a very few minutes. If this Bill had been an extension of popular rights, as it should have been, the people of Ireland would have been reproached with receiving a boon, — and yet remaining unsatisfied. I wish that those who are inclined to make that statement, would recollect the fact, that none of the measures of reform of late years given to Ireland were placed on an equal footing with those of England and Scotland. What we demand is, equality; and why should we be content without it? No measure of relief, short of English franchise and privileges, will satisfy us. The Irish people will always continue their efforts to raise their position to the English standard. Nothing can be so absurd as this species of legislation, which concedes a part, and withholds the rest of our rights. What you give, confers the power of obtaining the rest, and compels us, by agitation, to keep up the public excitement on the subject until we accomplish our views. If you wish to put an end to that state of things, concede, at once, the same measure of liberty the people of England possess. With the Bill, as it now stands, I am discontented. It should have been founded and carried into effect, at once, on the principle of the English franchise; whereas, for the first three years, we are restricted to a different and higher qualification. Under the Irish Reform Bill, only ½ per cent. possesses the franchise, while in England the proportion is 20 per cent. Can the Irish people be contented with such a state of things? They cannot, and ought not to, and will not be. Without equality of representation and privileges, the Union is a fraud and a deception. Profitable it may be to one party, but not binding on the other. I protest against the Bill as it stands; but if it comes down to this House from another place with a franchise still more restricted in one *iota*, I will appeal to both countries — to the Reformers of England (when they shall have recovered their senses and given up the Chartists), and to the people of Ireland, where agitation is always consistent with perfect obedience to the law — against the Bill.

[Cries of "Divide, divide!"]

Mr. DARBY. — I will not detain the House a moment, as I merely wish to offer one observation. When I first sat in this House, the principle of municipal corporations for Ireland was conceded by the Conservatives both of this and the other House of Parliament; and the only anxiety was, that the qualification should be a *bonâ fide* one. This Bill, however, is unamended for any substantial purpose, and I shall vote against it.

COLONEL PERCEVAL. — I voted for the second reading of the Bill, in the hope that the Government would adopt a 10*l.* rating in effect; but it is now completely altered; and, in that respect, it is even less regardful of the interests of the Protestants of Ireland than the measure of last year; in fact, at the end of three years there will be no rating at all. I should have preferred that corporations should have been abolished altogether, and I shall vote against the third reading of the Bill.

The House then divided: — Ayes 97; Noes 21; — Majority for the third reading 76.

AYES.

Adam, Admiral	Baring, F. T.
Aglionby, H. A.	Barnard, E. G.
Baines, E.	Barry, G. S.

Bernal, R.	Parker, J.
Bowes, J.	Parnell, Right Hon. Sir H.
Bridgeman, H.	Pechell, Captain
Briscoe, J. I.	Pendarves, E. W. W.
Brotherton, J.	Philips, M.
Bryan, G.	Pigot, D. R.
Callaghan, D.	Power, James
Cave, R. O.	Price, Sir R.
Cavendish, Hon. C.	Pryme, G.
Clive, E. B.	Pryse, P.
Cowper, Hon. W. F.	Redington, T. N.
D'Eyncourt, Rt. Hon. C. T.	Rice, E. R.
Divett, E.	Rice, Rt. Hon. T. S.
Donkin, Sir R. S.	Roche, W.
Duke, Sir J.	Rolfe, Sir R. M.
Evans, W.	Russell, Lord J.
Ferguson, Sir R. A.	Russell, Lord
Finch, F.	Rutherfurd, Rt. Hn. A.
Fleetwood, Sir P. H.	Salwey, Colonel
Gisborne, T.	Scholefield, J.
Greenaway, C.	Sheil, R. L.
Grey, Rt. Hon. Sir C.	Smith, B.
Grey, Rt. Hon. Sir G.	Smith, R. V.
Hall, Sir B.	Somerville, Sir W. M.
Hawes, B.	Stanley, Hon. W. O.
Heathcoat, J.	Stewart, James
Hindley, C.	Stock, Dr.
Hobhouse, Right Hon. Sir J.	Strutt, E.
Hobhouse, T. B.	Surrey, Earl of
Hodges, T. L.	Thomson, Rt. Hn. C. P.
Hoskins, K.	Thornely, T.
Howard, F. J.	Troubridge, Sir E. T.
Howick, Lord Visct.	Turner, E.
Hume, J.	Vigors, N. A.
Hutton, R.	Wakley, T.
Lemon, Sir C.	Walker, R.
Lushington, Rt. Hon. S.	Ward, H. G.
Macleod, R.	White, H.
Marshall, W.	Williams, W.
Maule, Hon. Fox	Williams, W. A.
Morpeth, Lord Visct.	Wood, C.
Morris, D.	Wood, Sir M.
Muskett, G. A.	Worsley, Lord
Nagle, Sir R.	Yates, J. A.
O'Brien, W. S.	
O'Connell, Dan.	*Tellers.*
Palmerston, Lord Vt.	Stanley, E. J.
	Steuart, R.

NOES.

Alsager, Captain	Jones, Captain
Archdall, M.	Kemble, H.
Bagge, W.	Palmer, G.
Blackstone, W. S.	Parker, R. T.
Burroughes, H. N.	Perceval, Colonel
Cole, Lord Viscount	Perceval, Hon. G. J.
Cooper, E. J.	Plumptre, J. P.
Egerton, Sir P.	Polhill, F.
Ellis, J.	
Fector, J. M.	*Tellers.*
Fitzroy, Hon. H.	Darby, G.
Grimsditch, T.	Inglis, Sir R. H.
Henniker, Lord	

Main question put, and agreed to; Bill read a third time; clause added; Bill passed.

ADMIRALTY COURT BILL.

The House resolved itself into a committee on the Bill.

Clause 1. "Judge to be paid by salary."

On this clause being put, —

Mr. HUME said: — I wish to ask whether any explanation will be given why the salary of this judge is to be increased? I wish to know what has occurred to alter the views of her Majesty's Ministers, who have already taken a vote of 2500*l.* in the navy estimates for the salary of the judge of the High Court of Admiralty? Also, as this Bill professes to prevent the judge taking fees, it would be satisfactory to know what is the amount of those fees? because I have been led to believe that the office is almost a sinecure, as to its duties, compared with the duties of other judges. I do not see that any additional labour is to be thrown upon the learned gentleman filling this post, and I wish to know upon what grounds the salary is to be increased?

LORD J. RUSSELL. — The Honourable Member for Kilkenny has not paid attention to the particular constitution of this court. During war, owing to the amount of fees, the salary is exceedingly large, and amounts to 8000*l.* or 9000*l.* a-year, if not to more, in certain cases. At other times, — that is, during peace, — the salary is very considerably lower. Now, this seems to me to be a very objectionable mode of paying a judge, — that in one year he should receive 9000*l.*, and in another 2500*l.* Then, it is obvious that we must have a person perfectly competent for this important office, as, in every year, he may be called upon to pronounce judgments upon momentous questions affecting, not this country only, but this country in its relations with foreign powers. My Honourable Friend will agree with me, that it is a most objectionable principle that the salary should be so variable, and that it should depend on the amount of fees. If the salary now proposed be somewhat more than the judge receives in time of peace, it is exceedingly below what he would receive in time of war.

Mr. HUME. — I do not look for war for ten years to come; and it will be time enough, when war comes, to make provision for it. It appears to me that this is a mere gratuitous increase of salary at the present time.

[Cries of "Hear, hear, hear!"]

I agree with the Noble Lord, that it is a bad practice to allow judges, or any officers so situated, to have fees; but, at

the present time, without any prospect of war, and in the state in which our finances are, I think this increase gratuitous, and quite unwarranted. As such, I cannot agree to it.

The CHANCELLOR of the EXCHEQUER. — The Honourable Gentleman has not placed this matter on a fair principle. We are not asking the House to vote, permanently, for a judicial officer, a war salary; we merely propose to vote, now, such a salary as shall be equal to the average in times of peace and of war. It is admitted to be an objectionable principle, that a salary should be very large at one time, and below the mark at another; and therefore we fixed upon a permanent salary greatly below the salary in time of war, but a little above the peace salary. Now, it should be recollected that the decisions of our Admiralty Court are looked to by all civilised nations. The judge in this court has to decide on cases occurring on both sides of the Atlantic; and it is therefore necessary that he should be selected from the highest possible class of civil lawyers, whose emoluments, from their station and character at the bar, are very large. When a similar commutation of salary took place in Ireland, the judge of the Prerogative Court — Dr. Ratcliffe — had a fixed salary of 3000*l.* given to him; and surely, when we recollect the proportion which the business of the civil courts in this country bears to that of Ireland, no one can say that a salary of 4000*l.* is too much for the judge, in this country. If it was deemed necessary to give 3000*l.* to induce the first class of civil lawyers in Ireland to relinquish the emoluments of the bar, — where they are so much less than in England, — surely a more moderate salary than 4000*l.* could not be proposed to the first class of civil lawyers in this country. Moreover, this judge has not merely to serve in the Court of Admiralty, he has also to render his services in attending on the Privy Council; so that he has, in fact, double duties. I will not say a single word with respect to the eminent character and qualifications of my Right Honourable and Learned Friend who now fills that office; for I feel that, in fixing the salary of the judge, we have nothing to do with that consideration. All that we have to do is, to see that the salary be fairly apportioned to the duty; and I will not go beyond that, because I am sure that, by my silence, no individual, either in this House or in the country, will be led to undervalue, in the slightest degree, the high character and the great abilities of the learned judge who now fills that distinguished office.

Mr. W. WILLIAMS. — Why, really, Sir, no advance of salary was ever made to such men as Lord Stowell, to Sir Christopher Robinson, or to Sir John Nicholl; and I am sure that the revenue of the country is not in such a state as to justify this increase of salary. Now, I have been told that the judge of the Admiralty Court has heard, during the last year, twenty-four cases, and has sat seventy-two days; and surely the present salary is quite sufficient for duties that take up so little time. Unless, therefore, it be shown that there has been a great increase of duties, or that there is an inadequacy of remuneration, I cannot sanction the increase of salary proposed.

Mr. C. WOOD. — It appears to me that this is the most fitting time to settle the future salary of the judge of the Admiralty Court, and thus to prevent a prospective increase of emolument in time of war. The emoluments of the office during peace amount to very near 3000*l.*; so that, if you fixed the salary at 3000*l.*, that would be nearly the lowest the judge receives at present, and he would be deprived of all increase in time of war. I would remind the Honourable Gentleman who last spoke, that Lord Stowell had the benefit of his war salaries for some years; and I would also remind the Honourable Member that the committee which sat, in 1832, on this subject, reported that the number of days of sitting did not afford a fair criterion of the amount of work done. I do think that 4000*l.* is not more than a sufficient salary.

Mr. HUME. — I should like to know why this alteration was not made during the time the late judge held office? Now, to my mind, it would appear as if this were to be done because a friend of this side of the House happens to be the judge. It is placing one in a situation that is extremely unpleasant, to be supposed to be voting money with a view to satisfy those who sit on this side of the House, and not because it is necessary for the public interests. If this alteration was fitting to be made, it ought to have been made in the time of the late judge, Sir John Nicholl. The late, surely not less than the present, judge was at the head of his profession. I think this a most unfortunate time to take, in order to increase the salary of the judge; and I am perfectly prepared to say, if this learned judge has other duties to perform, — if he has to attend the Privy Council, — I would rather give him an additional salary of 1000*l.* a-year for that particular duty, as such; but I think the present a partial and im-

proper proceeding, and I cannot agree to it.

Mr. C. WOOD. — I omitted to mention that there has been a very considerable increase of duties in the ecclesiastical courts. Additional jurisdiction is also given by some of the clauses of this Bill; so that duties are imposed upon the judge of the Court of Admiralty, which are totally independent of the judicial sittings of the Committee of the Privy Council.

The SOLICITOR GENERAL. — The Honourable Member for Kilkenny hinted that this increase of salary was proposed because the present judge sits on this side of the House. Now, the simple question is, whether a case has been made out for this increase, or not? I think that the Honourable Member for Kilkenny must be satisfied that never was there a case which more clearly called for the interposition of Parliament. It is said that there is very little business done in this court at the present time; but be that as it may, it is most important to have a judge who is always competent to do whatever business there is to be done,—and in order to get a person so competent, you must take him from a class, the members of which are making a very large professional incomes. The House must not suppose that the remuneration here proposed to be given is an equivalent to what, in this case, has been given up. I can assure them that they would very much underrate my Honourable and Learned Friend's former position, if they thought so. The present salary of the judge is 2500*l.* a-year, the fees amount to about 300*l.* more, — making altogether nearly 3000*l.*; and there is always the prospect, if war should break out, that instead of 3000*l.* it would be about 7000*l.* or 8000*l.* or 9000*l.* This leads me to an observation which ought not to be lost sight of. I need not, of course, say that this observation cannot by any possibility have reference to the present judge; but I would ask, is it prudent or consistent with sound policy, to have a judge in this very important situation, — a judge who has to decide questions, not merely of *meum* and *tuum*, but questions, the result of which might cast Europe into a war, — I ask, is it prudent to make it his interest to decree upon captures so as eventually to lead to a war? Honourable Members may smile; but let me say, that, although I believe, that from superior education, and from a more sufficient control on the part of the public over law proceedings, than existed in times past, this is not, at present, a probable contingency, yet it is a very bad constitution that permits, as a possible contingency, that any party should have an interest, in his judicial station, in doing something which might occasion, not the loss of 1000*l.* a-year, but the loss of thousands of lives, and the horrors of a European war. It appears to me, therefore, on these grounds, that this proposition ought to meet with universal concurrence, — inasmuch as it dispels uncertainty, and enables us to command the services of the first men at the bar, and thus to put it beyond all controversy, that never will their interest be found to be at variance with their duty.

SIR R. INGLIS. — I agree with the Honourable and Learned Solicitor General, that it is highly important to have a judge of the highest eminence to preside in a court, the decisions of which may, at any time, influence the great question of peace or war. Those who recollect the decisions of our Court of Admiralty in the time of the Orders in Council, will be aware how materially those decisions bear upon the relations of this country with foreign nations.

Mr. WAKLEY. — For my part, I really think we ought to be much obliged to Government for not proposing a higher salary than 4000*l.* a-year. Had the sum been 8000*l.* instead of 4000*l.*, I have no doubt it would have been easily granted; for the extravagance and carelessness of this House in dealing with the public purse is without limit. I protest against adding to the burdens of the people, by an unnecessary increase of one fourth in the salary of this judge.

Mr. C. WOOD. — I find that, in point of form, it will be impossible to go on with this clause, as a preliminary resolution will be required.

The clause was accordingly postponed.

Clause 2. ("Repeal of 50 Geo. III. c. 118. Registrar to be paid by salary") agreed to.

Clause 3. ("Marshal to be paid by salary") postponed.

Clause 7. ("Office of registrar not executed by deputy") agreed to.

Clause 8. ("Appointment of deputy registrar, in case of illness") agreed to.

Clause 9. ("Judge may direct the appointment of an assistant registrar: his salary") struck out.

Clause 10. "Her Majesty in Council may alter the table of fees."

On this clause being put,—

CAPTAIN PECHELL said:—I take this opportunity of requesting the attention of the Honourable Secretary to the Admiralty to the necessity of revising and regulating the fees of this court. Cases have occurred in which the amount in question has only been about 16*l.*, and nearly the whole has been swallowed up by these fees. There is likewise agency to be paid, and then actually nothing is left in these small cases. I really hope the Honourable Secretary will attend to this.

Mr. C. WOOD.—All that it is in my power to do at present is, to take in this Bill a power for the Privy Council to alter these fees. I have no doubt that every thing right will be done.

The clause was then agreed to.

Clause 14. "Judge and registrar to receive no fees on their own account."

Clause 16. "Dean of Arches to sit for judge of Court of Admiralty in certain cases."

The above were severally agreed to.

Clause 17. "Advocates, notaries, and surrogates of Court of Arches to be admitted in Court of Admiralty."

On this clause being put,—

Mr. HUME said:—I should like to know why barristers should not be allowed to practise freely in this court, as well as any other?

CAPTAIN PECHELL.—I wish to know whether it is intended, by this Bill, to continue the necessity for captors employing proctors to make their demand? and I should like to be informed whether a captor cannot appear by his agent?

Mr. C. WOOD.—The Bill makes no difference in that respect.

CAPTAIN PECHELL.—I am determined, before this Bill passes, to have an understanding as to the compulsory employment of proctors in this court, in some cases, merely for the purpose of asking a question.

Mr. HUME.—I beg to propose an amendment in this clause, to the effect, that all persons shall be entitled to practise in this court, who are qualified to act as barristers in any of the supreme courts of law. This will open the court, and forward the ends of justice. I do not see any reasonable objection that can be made; and I shall move, that in page 7. line 8. after "Court of Arches," there be inserted these words,—"and all barristers at law."

The SOLICITOR GENERAL.—The Honourable Member proposes an extensive change; and the whole Bill relates to a different matter. The fact is, the whole relative course of education for a barrister, and for a Doctor of Civil Law, is entirely different. A man may become a barrister much earlier in life, than he can become a Doctor of Laws.

Mr. HUME.—All that I want is, that, instead of being compelled to go to a proctor, or a doctor, I may, if I please, go to a barrister, to conduct my cause in this court. As to the education, I have no faith in the ceremony of a man going down to one of the universities and taking his degree, probably without any examination at all. It is all a farce; and if I am of opinion that a particular barrister is well qualified to take charge of my interests, why should I be debarred from receiving his assistance? I take upon myself the responsibility of his being or not being a Doctor of Laws; and I do not see why competition of talent should be prevented, or why a barrister should be excluded from any court in the kingdom.

CAPTAIN PECHELL.—In nine cases out of ten, the suitor requires neither barrister, nor proctor, nor Doctor of Laws; and if I do not hear anything satisfactory on this point from the Honourable Secretary to the Admiralty, I shall certainly make a motion respecting it.

Mr. HUME.—I may, perhaps, be allowed to ask the Honourable and Learned Solicitor General, who seems to imagine that there is some magic in the term "Doctor," whether, when the Duke of Wellington, and other distinguished persons unconnected with the legal profession, had that degree conferred upon them, they became better qualified than so many barristers to practise in the Court of Admiralty?

[Laughter, and cries of "Hear, hear!"]

Mr. WAKLEY.—I hope the Right Honourable and Learned Judge who presides in this court will give the House the benefit of his opinion on this point.

DOCTOR LUSHINGTON.—As I am thus personally called upon, I will state

what my views are with respect to this clause. And, first, let me put the House in possession of facts. It is not by merely taking an honorary degree at Oxford or Cambridge, as in the case of the Duke of Wellington, that an individual becomes qualified to practise in the High Court of Admiralty. In order to entitle him to practise there, he must have taken his degree in the most regular course; for if it so happens that he have obtained grace, favour, or advantage in any way, he is utterly disqualified. He must be admitted, in the first instance, into the Court of Arches, and subsequently into the High Court of Admiralty. Now, the principles upon which these courts proceed, are those of the civil law, and not the common law; and the studies of those seeking to become advocates in them are, of course, specially dedicated to civil law. It has been just proposed to throw these courts open, and to admit barristers, generally, to practise in them; and I must own, that if a person should particularly desire to avail himself of the services of a barrister in preference to those of an advocate, I am not prepared positively to say that that person ought to be altogether debarred from so making his election. But I am certainly of opinion that that is another and a prospective question, and that it would be exceedingly inconvenient to introduce such an arrangement in this clause. Here is a number of gentlemen, amounting to twenty-two or twenty-three, who, for many years, have been practising exclusively in these courts; and these gentlemen could not but feel themselves aggrieved, if you were to let in suddenly upon them a new class of competitors, not having acquired the same qualifications, or undergone the same long and laborious ordeal, with themselves, — and when they cannot, as the law stands, enter upon any other professional path. I must say, I think it would be inconvenient, and attended with some injustice to these gentlemen, if, in the present state of things, you were, at once, to open the doors of the Admiralty Court to general practitioners, totally unacquainted — as they must necessarily be — with what has been for years the practice of that tribunal. Such a course, also, would, most undoubtedly, place the court in a position of considerable embarrassment.

Mr. HUME. — Nothing can be more candid and fair than the statement just made by the Right Honourable and Learned Gentleman; but, at the same time, he has admitted that there is a monopoly in this court.

Mr. PRYME. — I think there is a considerable advantage in having advocates in a particular court, learned in the civil law, to which they exclusively devote themselves. My Honourable Friend seems to think that the Doctors of Law obtain their degrees at the universities almost as a matter of course; but I assure him they do not, — at least, they do not at Cambridge. There, the student is obliged to attend a long course of lectures on civil law, and then undergo a rigid examination, before he can obtain his degree.

Mr. SHEIL. — At the present moment, Catholics and Dissenters are disqualified from acting in this court, because they cannot obtain the necessary degree from our universities.

Mr. WAKLEY. — I have been glad to hear the statement of the Learned Judge of the Admiralty; but I am here impelled to remark, that whenever it is found that a wrong exists, the cry is raised, — "Oh! if you make a change, you injure certain interests." Then, on another occasion, another set of interests is brought forward, which, we are told, would materially suffer if we were to make any change; and thus we go on, Session after Session, century after century, with wrongs unredressed and evils perpetuated. I should like to know why the public are debarred, by certain privileges, from making choice of talent wherever it is to be found. This is nothing but a monopoly, — and a monopoly, too, of a very pernicious kind. There is a great amount of talent in the Admiralty Court, I have no doubt; but a still greater amount would be obtained, if the public could make a selection from whatever court they pleased. I hope this clause will be postponed for a further consideration of the subject. I should like to see a Bill brought in, throwing open all the courts of law to all barristers.

The CHAIRMAN. — Does the Honourable Member for Kilkenny withdraw his amendment?

Mr. HUME. — Why, really, as the question is more discussed, new points arise, and I do not feel at all disposed to do so. Just now, we heard something about Roman Catholics being ineligible to practise in this court. Will the Honourable Gentlemen who have charge of the Bill undertake to devise means by which that objection shall be removed, and Roman

Catholics and Dissenters admitted to practise?

Mr. C. WOOD. — Whatever may be the opinions of Honourable Gentlemen as to the admission of persons to practise in this court, who have been hitherto excluded from it, I think the committee will see that it would not be fair to graft such a provision upon a Bill simply for the regulation of the court. When the Honourable Gentleman says this is a monopoly, I must say that I do not see that it is more so than a barrister's monopoly, or an attorney's monopoly, or any other of the kind. These gentlemen are peculiarly qualified by their studies for a particular branch of the profession, — that is to say, civil law.

CAPTAIN PECHELL. — The clause had better be postponed, that Honourable Members may have the opportunity of coming down to the House with further information on the subject. What I complain of is, that there are too many practitioners. In many cases, in this court, we require neither a proctor nor doctor.

The SOLICITOR GENERAL. — I wish the Honourable Gentleman would consider the impracticability of what he proposes. Does he mean to say that writers to the signet should practise as attorneys in the courts of Westminster Hall? or that Scottish advocates should appear as barristers in the Queen's Bench, or Common Pleas, or in the Court of Chancery? These are branches of the general question, and consequent upon the Honourable Member's proposition. The question is entirely a general one, and we shall do more harm than good by entertaining it in the manner the Honourable Member would have us; and, after all, he would do nothing in carrying out his principle.

DOCTOR LUSHINGTON. — I have already expressed my sentiments upon this clause; but there is one consideration which I would submit to the consideration of the committee, as I have not observed that it has been adverted to by any speaker. It is this; — the High Court of Admiralty is the only school in this kingdom for the study of public law; and I much fear, that, since the death of Lord Stowell, we have not gained much credit by comparison with the professors of public law in other nations: any measure, then, which tends directly to diminish the emoluments of that portion of the profession devoting itself to the study of public law, must necessarily impair its character for learning and talent. And let not the House consider this a matter of slight importance; for scarcely a day passes, in which some question does not arise with respect to our intercourse with foreign nations, involving points of great delicacy and difficulty; and were a mistake to be committed in laying down what the law is in this country, this country might, in consequence, be involved in a war.

Mr. HUME. — Every word which the Honourable and Learned Gentleman utters, demonstrates more and more the importance of having greater competition, to bring forth more talent. I must divide the committee upon the point.

The committee then divided on the question, "That the words be inserted." — Ayes 28; Noes 69; — Majority 41.

AYES.

Aglionby, H. A.	Power, James
Bridgeman, H.	Salwey, Colonel
Brotherton, J.	Scholefield, J.
Collins, W.	Sheil, R. L.
Dashwood, G. H.	Somerville, Sir W. M.
Duke, Sir J.	Turner, E.
Easthope, J.	Turner, W.
Fenton, J.	Vigors, N. A.
Finch, F.	Warburton, H.
Gisborne, T.	White, A.
Hall, Sir B.	Williams, W.
Harvey, D. W.	Yates, J. A.
Hawes, B.	
Hutton, R.	*Tellers.*
Lushington, C.	Hume, J.
Pechell, Captain	Wakley, T.

NOES.

Adam, Admiral	Howick, Lord Visct.
Ainsworth, P.	Hurt, F.
Alsager, Captain	Inglis, Sir R. H.
Baring, F. T.	James, Sir W. C.
Barry, G. S.	Kemble, H.
Blake, W. J.	Labouchere, Rt. Hon. H.
Bryan, G.	Loch, J.
Buck, L. W.	Lowther, Hon. Colonel
Clive, E. B.	Lushington, Rt. Hon. S.
Cowper, Hon. W. F.	Macleod, R.
Dalmeny, Lord	Marshall, W.
Darby, G.	Maule, Hon. Fox
Donkin, Sir R. S.	Morpeth, Lord Visct.
Elliot, Hon. J. E.	Packe, C. W.
Evans, W.	Palmer, G.
Ferguson, Sir R. A.	Parker, J.
Fleetwood, Sir P. H.	Parker, R. T.
Freshfield, J. W.	Parnell, Right Hon. Sir H.
Gordon, R.	Pendarves, E. W. W.
Graham, Rt. Hn. Sir J.	Pigot, D. R.
Greenaway, C.	Plumptre, J. P.
Grey, Rt. Hon. Sir G.	Pryme, G.
Grimsditch, T.	Rice, E. R.
Harcourt, G. G.	Rice, Rt. Hon. T. S.
Heathcoat, J.	Rich, H.
Hoskins, K.	Russell, Lord J.
Howard, P. H.	
Howard, Sir R.	

Rutherfurd, Rt. Hn. A.	Troubridge, Sir E. T.
Scrope, G. P.	Walker, R.
Stanley, Hon. E. J.	Williams, W. A.
Stanley, Hon. W. O.	Wilshere, W.
Steuart, R.	Wood, Sir M.
Stewart, James	Worsley, Lord
Strutt, E.	
Surrey, Earl of	*Tellers.*
Thomson, Right Hon. C. P.	Rolfe, Sir R. M
	Wood, C.

Clause agreed to.

Some other clauses were then agreed to; the House resumed; the Chairman reported progress; committee to sit again on Wednesday.

POOR LAW COMMISSION CONTINUANCE BILL.

On the motion of LORD J. RUSSELL, the Order of the Day for the second reading of the Poor Law Commission Continuance Bill, read.

Upon the question being put, "That this Bill be now read a second time,"—

Mr. GRIMSDITCH said:—I have strong objections to the measure. The predictions which were made in this House, from the first, as to the oppressive manner in which the Poor Law Amendment Act would be carried out, have been fully realised. It is not my object, at the present moment, to animadvert upon the gentlemen to whom the duty of conducting and carrying out that measure has been confided. I believe them to be most respectable and honourable men; but this much I must say of them,—that they, or, at all events, those who act under them, do not possess, in my opinion, sufficient practical knowledge. The host of sub-commissioners which has been sent out through the country, is composed of a class of gentlemen, principally barristers at law, of very short standing at the bar, who have not had any experience of the social feelings and habits of the people of the country. But I object to the present Bill, as being unnecessary. The unconstitutional powers vested in the commissioners, it is provided by the Poor Law Amendment Act, shall continue for five years, and until the end of the next Session of Parliament. Now, surely, five years is ample time to try and ascertain the working of the measure. The measure has, with one or two exceptions, I believe, been carried into effect throughout the kingdom; and within the term for which the commission will now continue,—namely, until the end of the next Session,—an ample opportunity will have been afforded, fully to try the experiment. But with respect to this Bill; at the commencement of the present Session, and frequently during its progress, questions were put to the Noble Lord opposite (Lord J. Russell) as to his intentions with respect to this law; and early in the Session the Noble Lord stated his intention to bring in a Bill, not only to continue the powers of the existing commissioners, but also to remedy a number of defects which it was allowed existed in the carrying out of the new system. Therefore, it was to my very great surprise, that, within the last few weeks only, this Bill, together with five other measures, connected also with the question, made its appearance before the House. It is, now, evident to me, that the powers of the commissioners are not to cease even at the time fixed by the Bill of the Noble Lord,—than which a more objectionable and oppressive measure has scarcely ever been brought forward. One of the Bills which have just been brought in, creates a new office—that of reviser of rates; it gives the commissioners power over all books, papers, and documents belonging to the unions; it enables the guardians to make and levy rates, to recover them by distress and sale; the right of appeal is taken away in certain cases. All these provisions serve to show me that there is a determination on the part of the Noble Lord at the head of the Home Department, to perpetuate the unconstitutional powers, at present possessed by the commissioners, to a much longer period than the Noble Lord professes. I, however, trust that, looking to the strong feeling existing throughout the country, with reference to these extraordinary powers of the commissioners, her Majesty's Ministers will pause. It is notorious, that the present Bill is brought in, in the face of state prosecutions arising out of a determined resistance to this very law in the North of England; it is notorious that her Majesty's Attorney General is proceeding both to Chester and to Liverpool, to try persons for resisting this law. And where, I beg to ask, is the necessity for the present Bill? The powers of the Poor Law Commissioners, without it, will continue until the end of the next Session of Parliament; and, therefore, what practical difficulty can arise from the Bill—even if it be desired by the Government to renew the existing unconstitutional law—standing over until the next Session? It would be much better to postpone this Bill, and in the mean time the Government might take such active measures as would enable them to mature those amendments which are so necessary in the existing law. To any further com-

tinuance of the powers held by the commissioners at Somerset House, and those under them, I entertain strong objections, arising from a consideration of the evil effects which have been produced throughout the country. If it is actually necessary to have a controlling power, in order to carry out with effect this law, it would be better to leave it to a Secretary of State; as in that case there would be a responsibility, while at present there is none. Feeling strongly that this Bill ought not to pass into a law, — in the present Session, at all events, — I shall move, as an amendment, to leave out from the word "now" to the end of the question, in order to add the words "this day three months."

Mr. T. PARKER. — I beg to second the amendment.

Question put, "That the words proposed to be left out stand part of the question."

Mr. DARBY. — Although it is not my intention to oppose the second reading of the Bill, I think there is some justice in the remarks made by the Honourable Member for Macclesfield, as to the course which has been pursued by the Noble Lord opposite with respect to it. It has been truly stated, that the Noble Lord said he would bring in a Bill in the second week of May, to effect certain amendments in the existing poor laws, — and now the House has arrived at the 15th of July. The Noble Lord has not redeemed his promise, but has waited until many Honourable Members, interested in the subject, have left town; and, consequently, the present measure will not receive that discussion which it calls for and deserves. But though the Bill to continue the poor law commission is now before the House, still those clauses of amendment, — including the bastardy clauses, — which the Noble Lord promised to lay on the table, are not forthcoming; and up to the present moment, I believe, it is not known at what time they will be brought forward; still less does anybody know what provisions they will contain. The Noble Lord tells us that the object of this Bill is to continue the commission but for one year longer; but, on looking at the Bill, I find it provides that the commissioners "shall hold their offices until the expiration of one year from the 14th of August, 1840, and until the end of the then next Session of Parliament." So that the Bill proposes a continuance of nearly three years. I shall not vote against the second reading of the Bill, because that course might prevent my moving those amendments which I desire to see effected in the present laws. If the Noble Lord refuse those amendments, when proposed in committee, I shall perhaps vote against the third reading, on the principle that I may then, probably, get an early opportunity, next Session, of pressing my amendments upon the House. At present, however, I will ask the Noble Lord to fix a day for the committal of this Bill, when it, and the amendments proposed, may be fully discussed.

COLONEL SIBTHORP. — I have great pleasure in supporting the amendment proposed by the Honourable Member for Macclesfield (Mr. Grimsditch). The Poor Law Amendment Bill, it was promised, would prove a boon to the poor of the country. It is no such thing; but, on the contrary, it is proved to be an imposition on the public. The whole of the newspapers — a means of information upon which some reliance ought to be placed — teem daily with complaints of the cruelty of the Poor Law Amendment Act. My Honourable Friend who has just sat down has expressed his surprise that the Noble Lord should have delayed this Bill until this late period of the Session; but my Honourable Friend forgets that it is the practice of the Government to postpone all their measures until this late period, when but few Members remain to resist their machinations. Let the House look at the expense to which this commission has already put the country. I have not the whole Returns; but I am sure, if I say it has cost 60,000*l.*, I speak of the *minimum*. The Returns up to 1836 show the cost up to that time to have been 38,000*l.*; and, though the last Return is incomplete, I am sure I understate the entire expense of this commission alone, when I fix it at 60,000*l.* On the consideration of the Appropriation Bill, I shall certainly move for the appointment of a select committee to inquire into the state and expense of the various commissions now in force in this country; and I pledge myself to prove, before that committee, a statement of more gross expenditure than ever has yet been laid before the public, and especially by a Government which came into office professing the principles of economy. But they have lost the confidence of the country; that fact was told them the other day, when the other House went up with the Address to the Queen; and I must say that men more unworthy the confidence of the country never before existed. This Bill is brought on at this late period of the Session, not

out of any regard to the feelings or wishes of the people, but because the Government know they can carry it by numerical strength; the Noble Lord was afraid to bring it on early in the Session, and now he seeks to smuggle it through. I call upon Honourable Gentlemen opposite, who have declared the Poor Law Amendment Bill to be oppressive, to withdraw from the Government, and come to this side of the House, in opposing this renewal. I shall join, with great pleasure, in throwing out this Bill; and although I am no Chartist, — although I deprecate violent language, — yet, if any Gentleman will bring forward, in temperate terms, a measure for the repeal of this accursed law, he shall have my support.

SIR JOHN GUEST. — It is not my intention to oppose the second reading of this Bill; but, being well acquainted with the sentiments of the classes who are the objects of the Poor Law Act, and being indebted mainly to their exertions for the situation which I occupy, I feel it to be my duty to make the House acquainted with those sentiments. The parts of the Act to which they are most opposed are, that which gives the power to compel the separation of man and wife, and that which obliges a poor person to come into a workhouse before he is relieved. I object very strongly to those parts of the measure; and it is my intention to move clauses in the Bill, when it goes into committee, to deprive the commissioners of these powers.

Mr. TATTON EGERTON. — Having opposed the Poor Law Amendment Bill in every stage, I feel bound, now, to say that subsequent experience has confirmed me in my original opinions upon it. I am willing to admit that a very proper and conciliatory spirit has been shown, on the part of the commissioners, in carrying out the Bill in the manufacturing districts. Still, a very strong feeling exists against the Act, not only among the poor people, who are likely to come under its operation, but among the yeomen, and others of the community, who are eligible to serve as guardians; and much difficulty has even now to be encountered in obtaining the attendance of guardians to carry its provisions into effect. I shall, certainly, vote with my Honourable Friend, entertaining the strong feelings I do against the law, — the more so, as I can perceive no intention, on the part of the Government, to mitigate its severity. In my part of the country, rules and regulations were sent down to the guardians; but when it was attempted to mitigate their severity, the commissioners insisted on those regulations being observed in the most rigid manner. These rules have been generally complained of; and I would therefore press upon the Noble Lord the propriety of withdrawing this Bill for the present, and of bringing forward, early in another Session, a new measure, into which some modifications of the present system may be introduced. If the amendment be pressed to a division, I shall vote against the Bill.

Mr. PHILIP HOWARD. — I believe that few Acts have received the sanction of Parliament, which have been attended with more beneficial effects, especially in the northern parts of the country, than the New Poor Law Act. I feel bound to bear witness, as far as my experience goes, to the conciliatory conduct of the Poor Law Commissioners; and I cannot refrain from offering my tribute of praise to that improved management, which has effected so considerable a reduction in the poor-rates, in order and thereby enabled persons to employ many more labourers than they otherwise could have done.

SIR W. JAMES. — If my Honourable Friend the Member for Macclesfield press his amendment to a division, I shall certainly vote with him, for I entertain many objections to the Bill; and, above all, I consider that the powers of the commissioners are far too extensive. Still, I should not be inclined to revert to the old system, which I always thought was extremely objectionable. I cannot but regret that this Bill has been introduced at this late period of the Session, when many Honourable Members cannot attend, to offer their opinions, and to suggest modifications of the existing law. On this ground, therefore, if upon no other, I should be disposed to vote against the Bill.

Mr. BLACKSTONE. — I may safely say, that the conciliatory conduct of the commissioners, which has been spoken of by some Honourable Gentlemen, has not been shown in the district with which I am connected. Although I shall vote for this amendment, I confess that I am not prepared to go the length of my Honourable Friend near me, and to advocate the total repeal of the existing law. I believe that, in every case wherein the guardians have acted independently of the commissioners, the Poor Law Amendment Act has been beneficial; but where the guardians have submitted to the dic-

tation of the commissioners, the worst results would follow. My wish is, to see the guardians invested with that discretionary power of granting relief, which I think they ought to have. There are other alterations, which I hope, before long, will be made in that law, but which, at this time, I will not go into.

Mr. BUCK. — Having presented several petitions from the Wellington union upon this subject, I feel called upon now to say a few words. I believe that the country is more indebted to her Majesty's Ministers for the Poor Law Amendment Act, than for any other measure which they have brought forward. I candidly acknowledge that I at first looked with suspicion on the Act; but, having been the chairman of a board of guardians for a considerable period, I am now convinced, from experience, that the Poor Law Act has been of the greatest possible service to the country. Some have said it has been beneficial to the ratepayers; but I assure the House that that is a matter of secondary consideration with me; — I can aver that it has been also of infinite advantage to the poor; and upon that ground it is, that I offer my thanks to the Government which brought it in and passed it through Parliament. There is one clause, however, to which I feel it my duty to call the attention of the Government, and to which the petitions I have presented more particularly refer, — namely, the clause relating to the relief of the able-bodied poor. In this respect, the commissioners have enforced very strong restrictions. I feel, as do the petitioners, that it is absolutely necessary, with reference to this part of the system, that a discretionary power should be vested in the guardians. I am sorry to see any Bill introduced at so late a period of the Session, for interfering with the existing Act, because I consider that there is not time for giving that consideration to the subject which its importance demands; and I believe that, if an opportunity for such consideration were given, we might be enabled to introduce such practical improvements in the law as would meet the views of all parties.

Mr. T. PARKER. — I shall support the amendment which has been moved; and, in doing so, I shall not qualify my opposition to the Bill in the language which some Honourable Members have thought it necessary to use. I object strongly to the system which allows no discretionary power to the guardians with respect to out-door relief. I object, also, to the extensive powers vested in the commissioners. It might have been imagined that some modification of the extraordinary powers of the commissioners, which they exercise in a most extraordinary manner, would have been proposed; but I find, by a Bill which has been introduced by the Noble Lord, that they are to be intrusted with still more extensive powers. The Bill to which I allude is, the Bill for the Collection of Rates; and in one of the clauses of that Bill, the guardians, under the direction of the commissioners, are empowered to appoint collectors; and it provides, in the second clause, "that the powers given by the said Act to the said commissioners for directing its execution, by guardians of the laws for the relief of the poor, shall be deemed to extend, and shall extend, to the making, collecting, and distribution of poor-rates, and to the custody thereof."

LORD J. RUSSELL. — It is proposed to make an alteration in that clause.

Mr. T. PARKER. — I have a right to found my argument upon the Bill as I find it, as I cannot know what alterations may be proposed by the Noble Lord. I have a right to allude to the clause as it stands in the Bill, in order to expose this insidious attempt to extend the powers of the poor law authorities.

The SPEAKER. — I must beg to intimate to the Honourable Member that the House is not now debating the Collection of Rates Bill. The question is, "That the Poor Law Commission Continuance Bill be now read a second time."

Mr. T. PARKER. — I beg pardon, if I am out of order; but I think I can show that my observations were strictly to the question. I was endeavouring to prove that very extraordinary powers were to be granted to the commissioners by another Bill. The words of the clause in the Collection of Rates Bill, to which I would call attention, are, that the powers of the commissioners shall extend "to all moneys, papers, goods, and chattels, applicable or relating in any way to the relief of the poor, as well as to the relief, maintenance, and removal of the poor." The effect of this proviso will be, that not one single charity, which has been yet established for the relief of the widow and the orphan, will escape the control of these Poor Law Commissioners! This is one of the strongest objections that I have to the Bill before the House, the

object of which is to continue the powers of these commissioners; and, although I were to stand alone, I will vote against it.

Mr. WAKLEY.—It appears to me very extraordinary that a Bill of this kind, and of such vast importance, should have been introduced without one word of explanation. I cannot comprehend how Ministers can propose such a Bill, without stating the grounds on which it is introduced, and without explaining the reasons which, in their opinion, render such a measure necessary. The Bill is intended to continue one of the most odious statutes that has ever been placed on record, and is to extend the powers of the Poor Law Commissioners for two years longer. Has the Noble Lord's attention been directed to the complaints which have been made against the Poor Law Amendment Act? There is no part of the country from which complaints against that Act have not come up; and those complaints have been directed against the system of out-door relief, the gigantic extent of the unions, the system of plural voting, and the consequences resulting from the plan of *ex officio* guardians. Society is torn to pieces by the operation of the new system; and, instead of the hostility to the measure decreasing, my firm conviction is that it is on the increase. Yet, notwithstanding that such is the case, here is a proposition brought forward for extending and continuing the powers of the commissioners; and still her Majesty's Ministers have made no statement, offered no explanation, to show the necessity for the adoption of such a course. I trust that the Noble Lord will yield to the suggestions which have been offered, and that he will not proceed further with this Bill, but wait till another Session, when a comprehensive measure might be introduced to remedy the defects of the existing law. This Bill is a piece of mere patchwork, and cannot be satisfactory either to this House or to the country. The Honourable Member for Devon (Mr. Buck) has expressed himself pleased with the operation of the Poor Law Amendment Bill; but let the House appeal to the poor, and hear what they have to say on the subject. I wish the Honourable Member could have heard some of the complaints which I have heard in Devon, and I am quite sure he would not retain his present opinions. Much has been said about the Bill raising the rate of wages. I can say that, in the South of Devon, no such result has taken place; and, notwithstanding what was stated the other night to the contrary, there is, in that part of the country, no allowance made for rent, or for the increase in the price of corn, although there may be some allowance in the shape of sour cider. This Bill ought not to have been brought forward, without its having been shown that there was a paramount necessity for its introduction; and if the Noble Lord offers no satisfactory explanation of the grounds on which he justifies this proceeding, I shall vote for the amendment of the Honourable Gentleman opposite.

Mr. BUCK.—I wish to say a word in explanation. I am satisfied with the Poor Law Amendment Act, because I know that the poor in my neighbourhood are benefited by its operation. From the first establishment of that law, among us, until now, we have had no complaints against it. The Honourable Member has cast doubt upon the statement that was made, the other night, by my Honourable Friend (Sir T. D. Acland), with respect to the allowance which it is usual to make in many parts of Devon to the labourers. I can assure this House, as the result of my own personal inquiries among the farmers and labourers, that, in my own neighbourhood,—I refer to the district which is comprised in the Wellington union, and which contains a population of 22,000 persons,—the wheat is allowed to the labourer at 6*s*. per bushel. The farmers did not feel that they were in a condition to raise the rate of wages, so as to keep pace with the late extraordinary high price of corn; they therefore determined to let their labourers have their wheat at a greatly reduced price.

Mr. WAKLEY.—It was the Axminster union to which I referred; and the condition of the labourer in that union is what I have stated.

Mr. PAKINGTON.—The Honourable Member for Finsbury has blamed the Government, because they have offered no explanation on the introduction of this Bill; but, although it is not my duty to defend her Majesty's Ministers, yet I must observe that, as it is merely a Bill to continue certain provisions of a former Act, it does not appear to me that any explanation was necessary. The Honourable Member has also alluded, and in terms of censure, to the *ex officio* guardians; but, in my opinion, the *ex officio* guardians have contributed in a very high degree to the beneficial operation of the Poor Law Act. The size of the unions has also been objected to; and I am disposed to agree with the Honourable Mem-

ber that the unions are too large. The poor are bound to make application for relief in person; and for that reason the unions ought to be of moderate extent. I have risen, however, for the purpose of expressing my approbation of the Poor Law Amendment Act. I am aware that a great outcry has been raised against the measure, and that many persons have endeavoured to excite strong feelings of hostility against it; and as I have been convinced, from experience, of its beneficial effects, I feel bound to say that, in my opinion, if there be one Act for which posterity will look back with gratitude to the present Ministers, that Act is the Poor Law Amendment Act. An Honourable Member opposite has spoken of the reduction of rates which has been effected; and, no doubt, such has been the effect of the Bill: it is not, however, on that ground that I am favourable to the New Poor Law; but simply because I believe that it has tended, more than any other enactment, to elevate the moral character of the working classes, and to promote their real welfare and their best interests. The part of the measure with regard to which I entertain the strongest doubts, is that which comprises the bastardy clauses. I object to the trial of bastardy cases before the quarter sessions; and I cannot see why the corroborating evidence which is required — and so far I think the present law is a great improvement on the old — should not be taken before the petty sessions, when all the disgusting details which are too often brought forward, would be prevented from becoming public.

Mr. T. ATTWOOD. — I have no hesitation in saying that a more odious measure than the Poor Law Amendment Act has never passed this House. I cannot conceive how it is that the House should be so anxious to continue this Act, in opposition to the feelings of the people. Even admitting that it were good in principle, still the circumstances of the country, and the state of the public mind, ought to have some influence with the House. I have always believed that the object of the Poor Law Amendment Bill was to bring down the labourer's wages in this country to the Irish level. When it was found that something must give way,—the interest of the landowner, the farmer, the mortgagor, or the bread of the poor man, — the latter was selected for the sacrifice. The steward of the Duke of Bedford stated, before a select committee of this House, that the rent roll of that Noble Duke, in Bedfordshire, was 20,000*l.* a-year, and that he had been compelled, at a late audit, to make a reduction of 2000*l.* but he would have been able to have shown a still further reduction, had it not been for the New Poor Law Bill. And what has prevented the reduction of wages to the Irish standard already? Why, nothing but a mere accidental circumstance. The construction of railroads has afforded employment for no less than 400,000 workmen, who have thus been taken out of the ordinary markets of labour for the last five years, and employed at wages varying from 16*s.* to 20*s.* per week each,—thus affording great additions to the comforts of the working classes, affording most extensive investment for capital, and giving relief to the pressure which otherwise would have been experienced by those engaged in trade and agriculture. But let Honourable Members beware, while they are boasting of the continued comforts of the poor, that the ground they rely upon is not slipping from under their feet; for there cannot be a doubt that, when things shall come again to their natural results, the large mass of labourers so employed will be again thrown upon their hands; and I know not how they will provide for them, with the glaring defects of our existing monetary system. Honourable Members are as ignorant of this subject as I am of music, or of the cloisters of Oxford or Cambridge. I assure them that they will find it impossible to persevere in the present system,—compelling the people to pay a large sum of money for their bread, and to receive a small sum of money for their labour. Ground between these two iniquities, the people of England look to the workhouse as their resource. But the workhouses are shut in their faces, and bastiles opened in their stead. This is an attempt in which you cannot succeed. You may think me enthusiastic; but I think you indiscreet. I implore of you not to harden your hearts, but to open your eyes to the distresses of a well nigh infuriated people.

Mr. FRESHFIELD. — I hope there will be no division on the question of the second reading; and I would recommend my Honourable Friend the Member for Macclesfield (Mr. Grimsditch) not to press his opposition at the present stage. I hope that we shall go into committee on the Bill, and that we shall there be enabled to restrict its operation. It is a Bill professedly to continue the power of the commissioners for one year; but, in looking into the clauses, I find that provision is made to continue their powers, actually, for two years. I shall vote, however, for the second reading, with the intention of moving such amendments in

committee as shall restrict the duration of the term. I feel bound to support the Poor Law Act, as carrying out, and in some degree extending, the statute of Elizabeth. At the same time, I must say, I should have been better pleased if I had seen some manifestation of an intention to return to the principles of the statute of Elizabeth, and to cure the hardships of the present law; — I would more particularly refer to the bastardy clauses; — and I hope, when this part of the subject shall be brought again under discussion, that the House will not allow those extremely unjust clauses to remain in their present state. The Honourable Member for Droitwich has alluded to the confirmatory evidence in bastardy cases; and considers that the present law is a great improvement, so far as it requires such evidence to be produced. I think that no improvement at all. If the magistrates were required to decide on the evidence, which, in their opinion, would be sufficient, I think that that would be far better than to require corroborative evidence in every case. The disgusting details would thus be wholly avoided, while every legitimate purpose of inquiry would be answered. I will not go further into the subject at this time, but will merely express my hope that the Noble Lord will afford opportunity for fully discussing the Bill in committee.

Mr. T. DUNCOMBE. — I hope the Honourable Member for Macclesfield will not withdraw his amendment. The Honourable Member who has just sat down says he will vote for the second reading, although the Bill is not that which it professes to be. That is the very reason why I shall vote against it. I find, in point of fact, that the provisions of the Bill will continue the powers of the commissioners three years from the 14th of August next; there is, then, a brand of falsehood on the face of it. It is committing a gross breach of faith with the people of England. When the New Poor Law Bill was introduced, it met, as is well known, with strong opposition, which its promoters neutralised by limiting its duration to five years: the Bill was then allowed to pass. Arbitrary powers were conceded to the commissioners; and, now, without a shadow of reason, it is proposed to continue these tyrannical powers for three years more, in opposition to the will of the whole people of England. The people naturally expected, that, when the original powers should have expired, they would be modified; instead of which, this Bill proposes to grant an extension of those powers. I cannot view this question, moreover, by itself, but I must look at it in connection with the Bill for the Collection of Rates now before the House. It is, in fact, a perpetuation of the powers of the Poor Law Commissioners, because the system therein proposed for the collection of rates cannot be carried out, unless the commissioners were to sit, for that purpose, either in Somerset House or some other place. I do not believe that the Noble Lord will ever succeed in carrying out that system. Then, I would ask the House, do they consider that we are justified, in the present state of the finances of the country, in entailing upon the country an expense of 70,000*l.* per annum? It might have been a good argument at the time, that, in the sudden alteration from one system to another entirely new, some controlling power was necessary; but, now that the system is in general operation, the necessity for keeping up those commissioners can no longer exist. I am aware that there are some districts in which the new system has not yet been introduced, but in those you cannot carry it into effect, for the people will not submit to it. And I hope that, where local Acts exist, the people will never consent to the introduction of this measure. I know of 160 parishes in the West Riding of Yorkshire, and other parts of the North of England, which are iucluded in the Gilbert incorporation, and the inhabitants of those parishes are determined to resist any attempt to introduce the new law. The Poor Law Commissioners have recommended that the Gilbert incorporation shall be immediately put down, without affording them the opportunity of having their case stated in Parliament. Her Majesty's Ministers have exhibited discretion in not attempting to interfere with this incorporation; for, if they were to do so, they would raise a nest of hornets about their ears. I do not doubt that the Noble Lord will succeed in carrying the second reading of this Bill, although there is a fraud upon the face of it; but when it goes into committee, I shall again take the sense of the House against its continuance for more than one year. This Bill is a delusion on the country, entailing upon it an unnecessary expense of 60,000*l.* a-year, and spreading a set of men over the country to interfere with those appointed under local Acts, who, from their personal knowledge of their respective districts, are much better qualified to administer relief to the poor.

LORD JOHN RUSSELL. — When I introduced this Bill to the House, it did not appear to me to require much ex-

planation. I therefore contented myself with stating, what I will now repeat, that my object was, to enable Parliament to have a full opportunity of discussing any amendment of the Poor Law Act which it might be proposed to introduce, during the ensuing Session. For, as the law now stands, if the next Session should happen to be very long, the powers of the commissioners will last to the end of the Session; if the Session, on the contrary, should happen to be a brief one, their powers will terminate with it. The Honourable Member for Sussex has asked me why I did not bring forward a general measure at an earlier period of this Session? My answer to that question is, that, considering the quantity of business before the House, and the interruptions that have occurred in dealing with it, it would have been almost impossible, during the present Session, to have secured such an attendance of Honourable Members as would have enabled us to go through all the different provisos which Honourable Members would have proposed for our consideration. One objection that has been urged against this Bill, is that which has been stated by the Honourable Member for Finsbury, who complains that the proposed continuation of the powers of the commissioners is a breach of faith. Now, that is an objection which I certainly was not prepared to expect. I understood that it was agreed, upon all hands, that these powers should be conceded to the commissioners for five years; and that Parliament should, at the expiration of that period, have an opportunity of continuing them for such further time as, upon consideration, it might think fit. But I never contemplated that these powers should cease at the expiration of five years. The term of continuance which the Bill proposes has been objected to; and, certainly, in the provisions of the Bill, that time is extended to a longer period than I contemplated when I first proposed to bring in the measure; therefore, I shall have no objection to shorten the time, as suggested. I think it, generally, rather an objectionable course, to make a Bill last to the end of the next Session of Parliament. In my opinion, it is better to specify a fixed time; and I am, therefore, ready to consent to the proposed alteration. As I have stated, my object is, to prevent the abrupt cessation of the powers of the commissioners, and to allow full time for the discussion of any new measure that may be brought in. The general principles of the Poor Law Amendment Act — which I look upon as perpetual, and not terminating with the powers of the commissioners at the end of five years — do not come properly into discussion upon a Bill of this kind; therefore, if assailed at all, they should be assailed by a proposition for their direct repeal. I am glad to find that, although some on this side object to it, yet that there are many Honourable Members, on both sides of the House, bearing testimony to the good effect of the Poor Law Amendment Act. I am glad to find that, although such strong objections have been offered, I say, by certain Honourable Members on this side of the House, yet that the Bill has met with support from several Honourable Members on the opposite side, and is not viewed as a party measure. For my own part, I am convinced that the Poor Law Amendment Act has worked very beneficially to the country; and not so much in the reduction it has produced in the burden of the rates, as in the manner in which it has distributed reward to industry, and has detected idleness and discouraged improvidence: whereas, by the operation of the former law, it was too often the case that the idle and dissolute were rewarded, while the industrious were discouraged. With regard to the remarks of the Honourable Member for Birmingham, I will merely say, that I think his mind is so fully engrossed with other matters, that he has neither attended to the operation of the Bill, himself, nor considered the statements of those who have done so. But while I state my opinion of the beneficial working of the Act, it is obvious that it is exposed to the remark which has been this night made upon it,— namely, if it be so beneficial, why should it have caused so much objection and unpopularity? I think it is very clear that an Act of this description, administered as it is by a board of commissioners (to whom the Honourable and Gallant Member for Lincoln is not very partial), is liable to much more observation and unpopularity than attended the old system under the administration of the parish authorities. There may be abuses under the present Act; but every case is magnified to a great degree, and the evidence by which it is supported is very much exaggerated, and brought to tell against the commissioners, and the Government which directs them. While, under the old system, abuses were carried on in the vestry, or the small parish workhouse, the paupers were ill treated, jobbing was practised in the greatest possible degree, and the funds were appropriated, not for the benefit of the labourer, but of the parish shopkeeper; — and those abuses were considered mere local affairs, which concerned only a few parish authorities; — and it was the interest of no one to bring

them forward, either in the public prints or in Parliament, — nor would he have been listened to, who did bring them forward. But when a case is to be made out against commissioners, or against a Secretary of State, it then becomes a matter of great importance, and paramount interest; and questions are now gravely examined into by the Legislature, which, formerly, passed without any notice whatever. I do not think that any man, who will turn back and read the Report of the Commissioners of Inquiry, will say that the system there laid open was one which he would wish to see restored. I will only add, that I trust the House will allow the Bill to be now read a second time, with a view to its being committed on Thursday. The Honourable Member for Droitwich, who has spoken so favourably of the general operation of the existing Act, wishes to know what are my intentions with regard to the bastardy clauses, and some others; and has complained that those clauses have not been printed, and placed in the hands of Honourable Members. Those clauses were in print a week ago, and I thought that before this, they would have been published. But I will state to the House, that the object of them will be to transfer those powers which are now exercised at the quarter sessions, to the magistrates at petty sessions, and with the same provisions for deciding cases as now exist with respect to the quarter sessions, and which, I think, are satisfactory. This, I trust, will be the means of getting rid of many of the difficulties which are now complained of.

Mr. G. PALMER. — I think the public ought to be made acquainted with the principles on which the administration of the Poor Law is intended to be conducted for the future. I shall oppose the second reading of this Bill, — not that I wish a return to the evils of the old system of poor laws, but with a view to prevent the introduction of that piecemeal system of legislation, and infringement upon the rights of the people, to which the Ministry resort on every occasion. There is quite sufficient time, before the operation of the present provisions will expire, to introduce such a measure as shall put the poor law of this country upon a proper basis.

Mr. HINDLEY. — I must object to the continuance of these powers to the Somerset House commissioners. It is intolerable that it should be left to them to determine what food shall be given to the poor, and how they shall be treated. I require no better proof of the effect of such a law, than the dietary which has been issued by those three kings for the support of the poor. In a part of the country which I have lately visited, and where the New Poor Law is in operation, I found the price of land was from 3*l.* 10*s.* to 5*l.* per statute acre. Now, I do say it is abominable, when landlords get such a price for their land, that the present system should be pursued towards the poor. In the last Session but one, I moved for Returns, to show the mortality in the workhouses under the new and old system of poor laws, but those Returns have never been made. If I were acting for the purposes of agitation, I could produce returns of my own, with reference to this part of the question, which are very little in favour of the new law. But then it is said, although the poor are not happy, — because they have no right to be happy, — yet, how virtuous and moral they are rendered by this law! This has been so constantly repeated, that I could almost persuade myself that it had been proved! But what is the fact? Why, that, taking the numbers of births of illegitimate children during three years previously and three years subsequently to the passing of the Act, the latter exceeds the former by 12½ per cent. I have no objection to an improvement of the present law; but I think the measure ought to be deferred till next Session, when there will be time to pay due attention to the subject, and to make such alteration as Parliament may think advisable.

Mr. FIELDEN. — The result of my experience has proved to me, that, while the Poor Law has caused so much misery, it has wholly failed in producing the object which it was intended to effect, — namely, an advance in the wages of the poor. I never heard the Poor Law praised, except by those Honourable Members of this House, who, perhaps, may have objects of their own to answer. It has been said that the new Act has improved the condition of the labouring classes; but how can that be, when their wages are, in fact, lowered under it? I would, then, appeal to the House, whether they consider that such a result justifies the extending of these unwarrantable powers to the commissioners? If the Act had worked as well as it has worked ill, I would never consent to continue to any men such unconstitutional powers; and I promise the Government that this measure shall not pass without encountering all the opposition which it may be in my power to give it.

Mr. MARK PHILIPS.—It is possible, perhaps, that I may be supposed, by the Honourable Member for Oldham, to have some interested motive in speaking in favour of the Poor Law Amendment Act; but, nevertheless, I feel it my duty to state what I have seen of the result of its operation in the district with which I am connected. I am no guardian under that Act, nor do I hold any office of the sort; therefore I can have no feeling in favour of the Act, on account of any power it confers on me. In the agricultural districts, especially, I believe it has done great good. Before the passing of that law, very few of the small farmers could pay their rents; and the labourers had no regular employment, but were compelled to go about from one farm to another, endeavouring to eke out an existence, by obtaining a day's work at one place to-day, and at another to-morrow. This system, so prejudicial both to the labourer and the farmer, is now unknown; wages are better, and are paid regularly; and there is a degree of comfort and regularity among the labouring population, which, under the operation of the old Poor Law, I looked for in vain. I do not, however, mean to say that the law is not capable of improvement. I confess that I view with some jealousy the powers which are placed in the hands of the commissioners. In saying this, I wish particularly to guard myself against being supposed to cast any imputation on them as to the manner in which those powers have been exercised; on the contrary, I think the country is much indebted to them for the manner in which they have performed their duties. I hope this Bill will be allowed to be read a second time; and I have no doubt that, in committee, many valuable suggestions will be made, by means of which we may correct the existing Act, and promote the welfare of the country.

Mr. WILBRAHAM.—I think this is far too late a period of the Session to bring forward a Bill of this nature. I will not, now, go into any discussion of the principle of the Poor Law Amendment Act; but I believe that, in many districts, that measure was altogether uncalled for; and I can assure the Honourable Member for Manchester, that his description of the improved condition of the agricultural labourer, as affected by that Act, does not apply to the county with which I am connected.

The House then divided:—Ayes 120; Noes 35;—Majority 85.

AYES.

Acland, Sir T. D.	Mildmay, P. St. John
Adam, Admiral	Morpeth, Lord Visct.
Aglionby, H. A.	Muskett, G. A.
Ainsworth, P.	O'Connell, M. J.
Baines, E.	Ossulston, Lord
Baring, F. T.	Paget, F.
Barrington, Lord Vt.	Pakington, J. S.
Barry, G. S.	Palmerston, Lord Vt.
Berkeley, Hon. H.	Parker, J.
Berkeley, Hon. C.	Parnell, Right Hon. Sir H.
Bernal, R.	Pechell, Captain
Blake, W. J.	Philips, M.
Bowes, J.	Pigot, D. R.
Bridgeman, H.	Plumptre, J. P.
Briscoe, J. I.	Ponsonby, C. F. A. C.
Broadley, H.	Power, James
Buck, L. W.	Pryme, G.
Buller, Sir J. Y.	Redington, T. N.
Burroughes, H. N.	Rice, E. R.
Dalmeny, Lord	Rice, Rt. Hon. T. S.
Darby, G.	Rich, H.
Divett, E.	Roche, W.
Donkin, Sir R. S.	Rolfe, Sir R. M.
Dundas, F.	Rose, Rt. Hon. Sir G.
Elliot, Hon. J. E.	Russell, Lord J.
Euston, Earl of	Russell, Lord C.
Evans, G.	Rutherfurd, Rt. Hn. A.
Evans, W.	Salwey, Colonel
Ferguson, Sir R. A.	Sandon, Lord Viscount
Filmer, Sir E.	Scrope, G. P.
Fitzroy, Lord C.	Seale, Sir J. H.
Freshfield, J. W.	Seymour, Lord
Gisborne, T.	Sheppard, T.
Gordon, R.	Smith, J. A.
Graham, Rt. Hon. Sir J.	Smith, R. V.
Grant, F. W.	Stanley, Hon. W. O.
Greenaway, C.	Stewart, James
Grey, Rt. Hon. Sir G.	Stuart, Lord J.
Hastie, A.	Stock, Dr.
Hawes, B.	Strutt, E.
Henniker, Lord	Style, Sir C.
Herbert, Hon. S.	Surrey, Earl of
Hobhouse, Right Hon. Sir J.	Thomson, Right Hon. C. P.
Hobhouse, T. B.	Thornely, T.
Hogg, J. W.	Townley, R. G.
Hope, Hon. C.	Troubridge, Sir E. T.
Hope, H. T.	Vigors, N. A.
Hoskins, K.	Villiers, Hon. C. P.
Howard, P. H.	Warburton, H.
Howick, Lord Visct.	Wilshere, W.
Hume, J.	Wodehouse, E.
Hurt, F.	Wood, C.
Hutt, W.	Wood, Sir M.
Inglis, Sir R. H.	Worsley, Lord
Irton, S.	Wyse, T.
Labouchere, Rt. Hn. H.	Yates, J. A.
Langdale, Hon. C.	Yorke, Hon. E. T.
Lincoln, Earl of	
Loch, J.	*Tellers.*
Macaulay, T. B.	Stanley, E. J.
Macleod, R.	Steuart, R.
Marshall, W.	
Maule, Hon. Fox	

NOES.

Alsager, Captain	Douglas, Sir C. E.
Archdall, M.	Duncombe, T.
Attwood, T.	Fielden, J.
Blackstone, W. S.	Finch, F.
Brotherton, J.	Fleetwood, Sir P. H.
Canning, Rt. Hn. Sir S.	Guest, Sir J.
Collins, W.	Hall, Sir B.
D'Israeli, B.	Hawkes, T.

Hector, C. J.	Scarlett, Hon. J. Y.
Hinde, J. H.	Scholefield, J.
Hindley, C.	Sibthorp, Colonel
Hodgson, R.	Turner, W.
James, Sir W. C.	Wakley, T.
Kelly, F.	Wilbraham, Hon. B.
Kemble, H.	Williams, W.
Lowther, Hon. Colonel	
Palmer, G.	*Tellers.*
Parker, R. T.	Egerton, W. T.
Perceval, Hon. G. J.	Grimsditch, T.
Sanderson, R.	

The original question was then put, and agreed to; Bill read a second time, and committed for Thursday next.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

On the motion of LORD J. RUSSELL, the Order of the Day was read, and the House resolved itself into committee on this Bill.

Clause 1. ("Former Suspension Acts continued for a year: Exceptions") agreed to.

Clause 2. ("Patron of vacant sinecure to be patron of any appendant benefice") agreed to.

Clause 3. "First Act to apply to present and future vacancies."

On this clause being put, —

SIR R. INGLIS said: — The object of this clause, as I apprehend it, is, to enable the Government to abolish certain vacant stalls. Now, in Canterbury, they have borrowed 25,000*l.* upon the security of the emoluments of the chapter: there are eight stalls, all the emoluments of which are liable to the payment of that debt; but if, upon one of those stalls falling vacant, the revenue be otherwise appropriated, the burden of the bond will fall upon the remaining seven. I hope the Noble Lord will not object to my bringing up a proviso to the effect that all payments which may have been made or shall be made to the Treasurer of Queen Anne's Bounty, on account of any vacant prebend, shall be applied to the account, and accepted by the said Treasurer in payment of the said bond.

LORD J. RUSSELL. — I confess I am in some doubt with regard to this proviso. It would appear, by the words the Honourable Baronet has proposed, that, as regards the chapter of Canterbury, the whole of the money arising from the vacant stalls should go to the discharge of the debt.

SIR R. INGLIS. — The object of my proviso is this, — that the emoluments of any stall that may fall vacant shall be applied, not to the private benefit of the surviving prebends, but in liquidation of any debt which the chapter may have incurred.

Mr. BAINES. — In all other cases, where no money had been borrowed, the emoluments of the vacant stalls would go to the Bounty fund; but, in the case of Canterbury, because debts have been contracted, the Honourable Baronet would apply those emoluments, not to the augmentation of the Bounty, but to the payment of those debts. I can see no reason that, because the chapter of Canterbury has borrowed money, they should be placed in a more favourable position than other such bodies.

Mr. BUCK. — If you reduce the number of the members of the chapter, it is evident that the debt will require a much longer time to pay if the stalls are to remain vacant; otherwise the surviving canons would have to bear a larger share of the burden. It appears to me, therefore, that the vacant stalls ought, in fairness, to pay their proportion.

LORD J. RUSSELL. — I think the proposition of the Honourable Member for North Devon — that the vacant stalls should pay their proportion — is reasonable, and I shall not object to the introduction of a proviso to that effect.

SIR R. INGLIS. — I will prepare such a clause, and submit it on the Report.

The clause was then agreed to.

Clause 4. ("Proviso for visitations, &c. within new limits of dioceses") agreed to.

Clause 5. "Power to grant leases in certain cases of vacant prebends."

Upon this clause being proposed, —

Mr. AGLIONBY said: — I object to this clause, as being at variance with justice, and as involving a principle in opposition to the recommendation of the Committee on Church Leases. This clause would place all ecclesiastical property on a rack rent, and introduce an entirely new principle as between the lessee and the lessor. It

directs that the commissioners shall not renew the leases upon the terms upon which they may have hitherto been held; but that they may grant what is called an extension of the lease at such rents and on such terms as shall be agreed upon. This will, in effect, place the lessee in the situation of a tenant at a rack rent. Now, what I would propose is, that the lease should be granted upon the same terms and conditions as heretofore. I ask the House to apply the same principle with regard to England, that they have applied with regard to Ireland. I find it enacted, in the 160th section of the Act for amending the law, as regards church temporalities in Ireland, that, when the tenant or lessee holds the property, the commissioners shall, on application being made to them by the person who shall be entitled to the reversion, grant a renewal of the lease, on the same terms and conditions as before granted. This is all I require. I do not seek to fetter the Government or the Legislature for the next Session. All I ask is, that, during the operation of this Bill, existing leases of church property shall be continued upon the same terms and conditions as those they have hitherto been granted on. If this be objected to, I shall feel it my duty to move the omission of the clause. I will now move the substitution of the word "continuation" for "extension."

Upon the motion being put, "That the word 'extension' stand part of the clause," —

LORD JOHN RUSSELL said: — I should be glad if any plan could be found to meet the Honourable Gentleman's views, without prejudicing the House in the course it may take in the next Session. The Honourable Member says, "Take the enactments of the Irish Bill, in which you have provided that the commissioners shall renew leases upon the same terms as they were before held." Now, take the case of the lessee and the lessor of church property under the old law. A young clergyman, coming into a vacancy, might refuse to renew, and run his own life against that of the lessee; and if he outlived the lessee, he might then grant a new lease of the land at a rack rent, or give a beneficial lease to some one of his own friends. But the Honourable Member's proposition is, to give the lessee a right against the church or the lessor, which he never had before. This would be, no doubt, a valuable right to the lessee, because it would be placing him in a more favourable position than he stands in, now, with regard to the lessor, and it would enable him to obtain a perpetual lease. All that is provided by this clause is this, — that, Parliament proposing to legislate upon the general subject next Session, we secure to the lessee who applies for it *ad interim*, a certain term; and that his lease shall not fall in, without his having the power to renew it, if he think fit; and it does appear to me to be the more preferable course to leave the terms of such renewal to the commissioners, who will have no interest in acting otherwise than justly between the church and the lessee. I do conceive that this will be some benefit to the lessee; but rather than I would consent to the proposition of the Honourable Member for Cockermouth, — to make the clause compulsory on the lessor to renew the lease on the old conditions, — I would omit the clause altogether.

SIR R. INGLIS. — For one, I would rather that the clause were wholly expunged. This is the first time the agency of the commissioners has been recognised; and I think this circumstance of the commissioners being, for the first time, introduced into the Suspension Bill, is, of itself, a matter requiring much consideration.

Dr. NICHOLL. — If the committee understood the severity and hardship which results to many persons from this system of agency, I am sure they would not countenance it. It does interfere with property in a manner which is almost unprecedented. I may also observe, that many persons are subjected to very great anxiety and suffering, in consequence of the settlement of this question being so long delayed. I agree with the Noble Lord, that it would be well to leave both parties in the same position as they were in, before the passing of the Suspension Act; but I cannot understand that the Noble Lord has suggested any reason for placing the lessees in a worse position than before. I do not desire to give any indirect benefit to the lessees, to the injury of the church; but I am not disposed to place them in a worse situation than they are in now.

Mr. AGLIONBY. — I would much rather that the clause were amended in the way I propose, than that it should be struck out altogether; because, in the latter case, injustice might be, in some instances, inflicted. I say, let the church take the improved value of the land, if it be improved; but do not place the lessee in a worse condition than he is in

now. I shall not divide the committee on the subject, but hope the Noble Lord will take the suggestions I have offered into consideration, and introduce a proviso similar to that in the Irish Act.

SIR J. GRAHAM.—As I understand the Bill, it is to be in force for one year only. If that be the case, I confess I do not see that much injury would be done to the church by the adoption, for that period, of the proposition of the Honourable Member for Cockermouth. That proposition, if incorporated, would merely affect those renewals which would take place in the course of next year, and would not, in any way, interfere with any general arrangement that Parliament might think fit to make.

The clause was then put, and negatived.

Mr. AGLIONBY.—I will submit a clause in lieu of the one that has just been negatived, on the bringing up of the Report.

The House then resumed; Bill to be reported on Wednesday.

LOWER CANADA GOVERNMENT BILL.

On the motion of Mr. LABOUCHERE, the Report on this Bill was brought up, and agreed to, with the amendments.

Mr. LABOUCHERE.—In accordance with my promise, I have prepared words which I propose to add at the end of the fifth clause, requiring the publication in the *Gazette* of Lower Canada, of any Act relating to the tenure of land, a certain time before it shall be finally passed into a law by the Special Council. The words are these:—"And that no such law or ordinance, by which the tenure of land shall be altered or affected in the said province, or any part thereof, shall be passed by such Governor in council, till the expiration of thirty days from the date of such publication." It is not meant to extend this proviso to ordinances on other subjects, as it must be obvious that it may become necessary to pass laws on certain matters, which it would be essential, at once, to bring into operation.

The proviso was then brought up, read, and agreed to; Bill to be read a third time on Thursday next.

METROPOLIS POLICE BILL.

Report further considered; several amendments agreed to; others disagreed to; other amendments made; Bill to be read a third time on Wednesday.

COUNTY COURTS BILL.

Further consideration of Report deferred till Friday.

SLAVE TRADE (PORTUGAL) BILL.

Read a second time, and committed for Wednesday.

FACTORIES BILL.—METROPOLITAN POLICE COURTS BILL.—SUPPLY.—WAYS AND MEANS.—REGISTRATION (COURT OF APPEAL) BILL.—SALE OF BEER BILL.—ASSESSED TAXES (SALE OF GAME LICENCES).

Committees thereupon severally deferred till Wednesday.

CONSTABULARY (IRELAND) BILL.—EMBANKMENTS (IRELAND) BILL.

Second readings deferred till Wednesday.

INLAND WAREHOUSING BILL.

Committee deferred till Thursday.

HIGHWAY RATES BILL.

Committee deferred till Tuesday, 28d of July.

INDEMNITY BILL.—SOAP DUTIES DRAWBACK BILL.

Severally read a third time, and passed.

COUNTY COURTS (ADVANCE OF MONEY) BILL.

Report thereupon deferred till Wednesday.

REGISTERS OF BIRTHS, &c. BILL.

Third reading deferred till Thursday.

LEAVE OF ABSENCE.

To Mr. Serjeant Talfourd and Mr. Thomas Hobhouse, — circuit.

UNLAWFUL OATHS (IRELAND).

Act (4 Geo. IV.) read; Bill, "to extend and render more effectual the said Act," ordered to be brought in by Mr. Solicitor General for Ireland and Lord Viscount Morpeth.

HIGHWAYS (No. 2.) BILL.

Read a first time; to be read a second time on Wednesday, and to be printed.

ADMIRALTY COURT.

Committee to consider of making provision out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the salaries and retiring pension of the Judge of the High Court of Admiralty, and of making good any deficiency in the fee fund of the said court (Queen's recommendation signified), on Wednesday.

EXCISE LICENCES.

Act (6 Geo. IV. c. 81.) read; Committee to consider of allowing dealers in spirits to retail foreign spirits, on taking out a licence for the purpose, on Wednesday.

UNLAWFUL OATHS (IRELAND).

Bill, "to extend and render more effectual the Provisions of an Act made in the fourth Year of the Reign of his late Majesty George the Fourth, to amend, and render more effectual, the Provisions of an Act made in the fiftieth Year of his late Majesty's Reign, for preventing the administering and taking unlawful Oaths in Ireland," presented, and read a first time; to be read a second time on Thursday, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented; namely, —

Railways, — Of common carriers, for the adoption of measures for securing a free and fair competition on railways, &c. — Referred to the Select Committee on Railways.

Stage Coach Duties, — From Chatham, Gravesend, &c., for repeal. — To lie on the table.

Church of Scotland, — From Trinity College Church, Edinburgh, in support. — To lie on the table.

Queen's Printer (Scotland), — From Peterhead, against renewal of the exclusive right of printing the Bible. — To lie on the table.

Poor Law Commission Continuance Bill, and Collection of Rates Bill, — Against, — from the churchwardens and overseers of St. Mary, Lambeth; and the chairman of the vestry of St. Mary, Lambeth. — To lie on the table.

RETURNS, &c.

Glass. — On the motion of Mr. BARING, Return ordered —

Of the quantities of glass retained for home use, and of the quantities exported, for each year, ending the 5th day of January, from 1814 to 1839, both inclusive.

Malt. — On the motion of Mr. FINCH, Return ordered —

Of the number of bushels of malt charged with duty in the United Kingdom, from the 5th day of July, 1837, to the 5th day of July, 1838 and from the 5th day of July, 1838, to the 5th day of July, 1839:

Of the number of bushels of malt consumed by common brewers, by victuallers, and by beer-house keepers respectively, for the same periods.

Masters in Chancery. — On the motion of Mr. W. J. BLAKE, Abstract ordered —

Of the Returns made in last Michaelmas Term, in pursuance of the 17th section of the statute 3 and 4 William IV. c. 94., showing the number of days on which each of the Masters of the High Court of Chancery attended at his office during the twelve months preceding such Returns, and the average number of hours occupied in one day's attendance; and also, showing the number of causes, petitions, and matters of every description, pending in each of the offices of the Masters at the time of making such Returns; and showing how many of such causes, petitions, and matters have been pending upon the same reference for more than five years; how many for more than four years; how many for more than three years; how many for more than two years; and how many for more than one year; so far as appears by such Returns.

Public Works (Ireland). — Returns presented, — of all sums voted or applied in aid of public works in Ireland (ordered 13th of March). — To lie on the table.

East India. — Copies presented, — of papers received from India, with reference to sec. 54. of Act 3 and 4 Will. IV. c. 85. (by Act). — To lie on the table.

Iron, &c. — Account presented, — of foreign iron imported and exported, and of British iron, hardware, and cutlery exported, in the last four years (ordered 10th of June). — To lie on the table.

Sugar. — Return presented, — of foreign sugar refined in bond and exported, since the 5th day of January (ordered 21st of June). — To lie on the table.

Ecclesiastical Commission (Ireland). — Copy presented, — of correspondence between the Treasury and the Ecclesiastical Commissioners for Ireland, respecting repayment of loan of 100,000*l.* (ordered 10th of July). — To lie on the table.

Printed Papers. — Return presented, — of expenses in the trial of Stockdale *v.* Hansard (ordered 1st of July). — To lie on the table.

Glass. — Account presented, — of quantities of glass retained for home use, and of quantities exported, for each year, from 1814 (ordered 15th of July). — To lie on the table.

East India Company. — Accounts (presented 12th of July) to be printed.

Adjourned at two o'clock.

HOUSE OF LORDS, MARTIS, 16° DIE JULII, 1839.

APPEALS.

Pearson *v.* Casamajor, *et è contra.* — Further and fully heard, and consideration adjourned to Thursday next.

Barry (pauper) *v.* Waddell. — In part heard, and adjourned to Thursday next.

Wilson *v.* Tait. — Adjourned to Thursday next.

Stewart *v.* Gloag. — To be heard on Thursday next.

Dunlop *v.* Lambert. — Considered, and interlocutors reversed; and a *venire facias de novo* awarded.

Bell *v* Mylne. — Appeal presented, and respondent ordered to answer in four weeks.

The Royal Bank of Scotland *v.* Rankin; The Royal Bank of Scotland *v.* Christie.— Leave for recognizances to be entered into for the appellants.

RIVERSTON BARONY.

Committee for Privileges to meet on Tuesday, the 30th instant.

THE QUEEN'S ANSWER TO ADDRESS OF FRIDAY LAST.

Reported.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Several witnesses ordered to attend.

DEPTFORD PIER BILL.

Returned from the Commons, with the amendments agreed to.

PONTEFRACT HONOR COURT BILL.

The Queen's consent signified: and Bill reported, with amendments.

LONDON BRIDGE APPROACHES BILL.

Bill committed: the committee to be proposed by the Lords' Committees appointed for proposing Committees on Opposed Bills.

SHIP PROPELLER COMPANY BILL.

Read a third time, with the amendments; Bill passed, and sent to the Commons.

LONDON BRIDGE APPROACHES BILL.

Report from the Select Committee appointed for proposing Committees on Opposed Bills, "That the following Lords be selected, and proposed to the House to form the select committee for the consideration of the Bill; namely, —

The Earl of Rosslyn,
The Lord Byron,
The Lord Sondes,
The Lord Bexley,
The Lord Cowley.

Agreed to; and the said Lords appointed accordingly: the committee to meet on Thursday next, at eleven o'clock: and the petitions praying to be heard by counsel against, severally referred to the committee; with leave to be heard, as desired; as also counsel for the Bill.

UPPER CANADA.

The EARL of RIPON presented a petition of members of the Aborigines Protection Society, complaining of the conduct lately pursued towards the Indian tribes of Upper Canada, and praying that measures may be adopted to suspend their removal from Canada. — Read, and ordered to lie on the table.

SPAIN.

The MARQUESS of LONDONDERRY. — I beg to give notice, that I shall, on this day week, put a question to

the Noble Viscount at the head of her Majesty's Government, with regard to the correspondence of the Government relative to the war in Spain.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Brought from the Commons; read a first time, and to be printed.

LONDON CITY POLICE BILL.— SOAP DUTIES DRAWBACK BILL.— RATHKEALE INCLOSURE BILL. — INDEMNITY BILL.

Brought from the Commons, and read a first time.

RIOTS AT BIRMINGHAM.

The EARL of WARWICK. — I rise to put a question to the Noble Viscount opposite, relative to the actual state of the town of Birmingham. Notwithstanding the extent and number of the outrages which have been committed in that place, her Majesty's lord lieutenant for the county of Warwick has received not one word of communication on the subject from the magistrates of the town, nor any orders from the Home Office; so that I am obliged to ask the Noble Viscount, in my place in Parliament, what the situation of Birmingham actually is? I have seen accounts, in the public journals, of the most frightful outrages committed in that place during the last few days; and I wish to be informed whether the police force and the military force, now there, are sufficient to insure the peace and tranquillity of the town? Much damage, it appears, has already been done; and it is on that account desirable to know whether there is sufficient power in the town to prevent the repetition of such destructive outrages. I am unwilling to go farther at present, or to say one word which would aggravate in any way the evils which have been inflicted, or which in any way might tend to retard the restoration of tranquillity; but I must say that these Chartist outrages, directed against the more respectable inhabitants, are no more, in my opinion, than a portion of the consequences resulting inevitably from the Political Union, which has been connived at, and encouraged, in high quarters. The individuals composing it having been supported for a long time, through thick and thin, by the Government, the people are, in consequence, beginning to suspect that the proceedings of the Chartists, although they have been proclaimed illegal, are, notwithstanding, supported in those quarters. The authority of the Government has been too long dormant; the Chartists have been too long allowed to proceed unchecked; and I cannot help expressing my surprise that I should have had no communication made to me by the magistrates, relative to the gross outrages which have been lately committed. No force has been called into operation to suppress those outrages; and, in consequence, those who are engaged in them are bold from sufferance. The yeomanry have not been called out,— although I can state, from my own knowledge, that the yeomanry of the county are extremely loyal, and anxious for the establishment of tranquillity. I think it necessary to make this statement, because, last year, I considered that a feeling existed against the sufficiency of the yeomanry. I would ask, again, what the state of Birmingham is? and I beg to say, that I am ready to execute the orders of the Government; for, however much I may question the course of policy which they have pursued relative to the Political Unions and the Chartists, I feel bound to use every means in my power to suppress these disgraceful outrages; and I have no objection to go down this night to Birmingham. The language used by the Chartists is the same as was and is made use of by the Political Unions; and it is not wonderful, when the nature and tendency of that language are considered, that the riots which have been witnessed should have broken out. I before alluded to the recent appointment of magistrates for Birmingham, some of whom belonged to the Political Unions, and I stated what would be the result; but I am willing to admit that those magistrates are placed in an awkward position, and some of them have been exposed to much personal danger. I trust the Noble Viscount will be able to give me some assurance that the force in the town is sufficient for the restoration of tranquillity; for when houses are attacked with fire and sword, no time is to be lost in putting an end to tumults of a nature so destructive.

VISCOUNT MELBOURNE. — In answer to the observations of the Noble Earl, I can only say, that the accounts which the Government have received from Birmingham in respect of the recent riots are of a very general kind. I fear, however, that the statements which have appeared in the newspapers are but too true. I fear that it is but too true that riots of a very destructive character have

broken out,—that houses have been plundered, and considerable property destroyed; but those riots have been suppressed, — and the town is at present, as the Government are informed, restored to tranquillity. The Noble Earl has asked whether the police force and the military force in the town are sufficient for the maintenance of tranquillity? I apprehend, unquestionably, that it is. The Noble Earl then stated, that he, as lord lieutenant of the county, has not been applied to, either by the magistrates of Birmingham, or by the other authorities. Why that course has not been taken, — why no application has been made to the Noble Earl,—I, at present, am unable to explain. The Noble Earl also alluded to what he considers to have been the cause of these outrages. He said, that the Political Union had been connived at by the Government; and that, in consequence, people had begun to suppose that these more violent proceedings were also encouraged. I can only say, with respect to those great meetings which have been held throughout the country in recent times, and with respect to the language used at those meetings, that I have always disapproved of such assemblages; and I have always said, that, sooner or later, they would inevitably lead to violent results. Indeed, I am only surprised that riots have not sooner broken out, and that they have not been of much greater extent. I think, however, that the Government have acted with perfect propriety and prudence in the course they have pursued, and that it would have been extremely impolitic if they had resorted to force for the suppression of Political Unions. I believe that these evils do not arise so much from the formation of those Unions, as from the language which the gentlemen attending the great meetings I have alluded to permit themselves to use, and from their holding out, undisguisedly, to the people, that it is by force and violence that they are to carry their objects and their designs. I have always seen the danger of this; but, in the present state of the law, I have never seen the means by which these proceedings could have been interrupted; and I must add, that I have never yet discovered the time when it would have been wise or prudent to have taken any severer measures than have been adopted by the Government. With respect to the charge that these meetings have been supported by her Majesty's Ministers, I can say, with the utmost confidence, that they have never been supported in anything that was illegal, or that could be considered as an infraction of the law; and with regard to what was imprudent or dangerous, it was impossible for the Government to have resorted to any stronger measure than the expression of their disapprobation.

The DUKE of WELLINGTON.—It appears, from the statement of the Noble Earl near me, and from the remarks of the Noble Viscount opposite, that there is no deficiency, either of police or military force, or of any other description of force, in the town of Birmingham; but it does appear that there is a deficiency of authority,—a deficiency, in the discharge of their duty, on the part of the magistrates, to preserve the peace; and who, I should like to know, are responsible for those magistrates? Here is a corporation formed contrary to the engagements which were entered into last year, that no corporation should be formed in Birmingham except with the advice and consent of Parliament. But, not only has this corporation been so formed, but magistrates have been appointed; — and by whom? Not in the usual way, — not by the Noble and Learned Lord on the woolsack, — but on the recommendation of the Secretary of State for the Home Department; — a course of proceeding, which, in my opinion, is contrary to the principles of the law and of the constitution; and, if I am not greatly mistaken, contrary, also, to the intentions of Parliament, which, when it passed the Corporations Act, required that the magistrates should be appointed in the usual manner by the Crown, and not on the recommendations of any party or any body of men residing in the town. What has been the consequence of the course of proceeding which has been adopted? After a disgraceful riot has existed for more than a week, — I believe for more than ten days, — this large town —one of the greatest manufacturing towns in the kingdom, holding property to an immense amount, and containing a population of most respectable inhabitants, — has been treated as a town taken by storm. Taken by storm, did I say? I have, while with the armies of my country, seen many towns taken by storm; but I never saw, never heard of, such outrages as were committed last night under the eyes of these magistrates, appointed — not by the proper authority, not by the Crown, not by the Noble and Learned Lord on the woolsack, but — by the Secretary of State for the Home Department. Property was taken, in their presence, from the houses of the inhabitants, carried into the street, and consumed by fire, notwithstanding the presence of the police and the troops. Such proceedings ought

not to have been allowed to go on without an effort having been made to prevent them. The destructive outrages that have been committed, cannot fail to strike the mind of every person who has a feeling for the honour and interest of the country.

The EARL of WARWICK. — I am desirous of saying one or two words in answer to what has fallen from the Noble Viscount. It is now stated that her Majesty's Government have given no support to those Political Unions. I would merely ask,—Did they not appoint as magistrates, in the town of Birmingham, those very persons who were leaders of the Union, and even those who were Chartist delegates? I could give, if it were necessary, a list of the names of the parties I have alluded to; but I do not wish to mention them unnecessarily. I can assure the Noble Viscount that there are six or eight Political Unionists, and three or four Chartists executing, at the present moment, the duty of magistrates in Birmingham. Those facts were made manifest at the examination of Lovett, the secretary to the Chartists, who was proved to have published the following resolution after the occurrence of the first riots at Birmingham: —

That this Convention is of opinion that a wanton, flagrant, and unjust outrage has been made upon the people of Birmingham by a bloodthirsty and unconstitutional force from London, acting under the authority of men who, when out of office, sanctioned and took part in the meetings of the people; and now, when they share in the public plunder, seek to keep the public in social and political degradation: that the people of Birmingham are the best judges of their own right to meet in the Bull Ring, or elsewhere; have their own feelings to consult respecting the outrage given; and are the best judges of their own power and resources to obtain justice: that the summary and despotic arrest of Dr. Taylor, our respected colleague, affords another convincing proof of the absence of all justice in England, and clearly shows that there is no security for life, liberty, or property, till the people have some control over the laws they are called upon to obey.

From the position which I hold in the county, I have paid particular attention to the language used in that Political Union, — and it is as violent as that employed by the Chartists. Yet these are the very men selected by the Government to fill the office of magistrates. I do not wish to find fault with the individuals, who, no doubt, feel their situation to be a very awkward one.

VISCOUNT MELBOURNE. — The Noble Duke opposite has complained of a want of zeal and activity on the part of the magistrates; but this is exactly begging the whole question. It very often happens that great evil is done, not from any fault, but from mistake. Has the Noble Duke forgotten the unfortunate affair at Nottingham, where a mill was burnt, while two troops of yeomanry were standing round, and within sight, who supposed they could not act without the orders of a magistrate? No doubt, this was a mistaken view of the law, because they ought not to have stood quietly by while a felony was being committed in their presence. But these things will sometimes occur; and I am informed that, in like manner, the police, in this case, waited for orders from the magistrates, who did not expect any tumult or disorder in the course of that night. I am not fully informed on the subject, and, therefore, not able to explain the matter clearly and satisfactorily. At the same time, I can easily conceive that a serious riot might arise, without any fault attaching to the conduct of the magistrates. It might be attributable either to their error or mistake. I do not know whether that is so on the present occasion; but it has been so in former times, when a great deal of mischief has arisen, I should say, simply from stupidity, if I were to use the appropriate term, and not from any indisposition on the part of the authorities to suppress riot. It appears that the state of Birmingham is very lamentable; but the Noble Duke has, at the same time, very much exaggerated the mischief done there. The Noble Duke says, that, in a town taken by storm, he has seen nothing parallel to the outrages at Birmingham, where, according to the accounts, two houses have been burned.

LORD LYNDHURST. — The *Globe* of this evening states that thirty houses ——

Several NOBLE LORDS. — Order, order!

VISCOUNT MELBOURNE. — The Noble and Learned Lord will have an opportunity of addressing the House presently. I should think that, in a town taken by storm, rather more damage would occur than has taken place in Birmingham; and the thing is sufficiently lamentable, without persons of the authority and station of the Noble Duke indulging evidently in violent exaggeration. With respect to the appointment of the magistrates, I understand that they were nominated with perfect fairness. The persons appointed are persons of the greatest respectability; and every county magistrate, who either resides in the town or near it,

or has taken a share in the business of the town, has also been nominated a magistrate. Such, I am assured, has been the composition of the magistracy; and with respect to the matter complained of,—that some of those persons have been members of the Political Union, and have used violent language,—my opinion has frequently been expressed, that such a circumstance ought not to operate as a disqualification for employment afterwards on the public service. That indiscretions of this nature should not form a disqualification, is a principle by which I am prepared to act and stand, as being a right and prudent opinion; and if the Government were to act on a different principle, I am afraid they would experience great difficulty in finding magistrates; for if I had to look, in particular, to the town of Birmingham, for persons of sound discretion, — for persons who have never committed errors, — who have never used violent language, or broached dangerous or extravagant theories, — I confess I should not know where to find them.

The DUKE of WELLINGTON. — I am rather surprised that the Noble Viscount, considering the situation he stands in, should tell your Lordships that he really knows little or nothing about these riots at Birmingham; that he cannot say whether they were owing to the absence of the magistrates or of the troops; or whether or not they were like something which occurred at Nottingham some time ago. The Noble Viscount says that he really knows nothing about the matter, and only judges of it, like the rest of the public, from what he has seen in the papers. This is not the way in which the business of the country should be conducted. I said that outrages had been committed at Birmingham, such as I had never seen in a town taken by storm. What, then, is it that has happened at Birmingham? It is not, merely, that two houses have been burnt; but others have been plundered, — and not merely plundered, but gutted. Perhaps the Noble Viscount does not know what "gutted" means? The whole of the property was taken out of those houses, placed in the streets, and there set fire to. This, my Lords, is an outrage such as never happened, to my knowledge, in any siege that I have been present at. It is scandalous and horrible to think that such scenes should occur in a town like Birmingham, and that there should be signs of similar dangers in the North of England, while the Government take no notice of them, and adopt no measure to preserve the public peace.

VISCOUNT MELBOURNE. — What right has the Noble Duke to make this charge against the Government? When did these occurrences take place? Last night. How is it possible that any notice of them should have been, in the mean time, taken by the Government? What measures could be taken? Why does the Noble Duke suppose that no measure is intended to be adopted? I say, my Lords, that, during the whole period of these riots, every possible measure has been taken by the Government for the purpose of preventing outrage to property and to life. What is the reason the Noble Duke supposes the Government will neglect their duty on the present occasion? I declare that they never have neglected their duty with respect to the preservation of the peace of the country; and the Noble Duke has no right to assume that they will neglect it, now.

The DUKE of WELLINGTON. — I say that the riots at Birmingham have prevailed for a great number of days, and no steps have been taken either to put them down effectually, or to punish the magistrates, who have not done their duty, as well as those who have been guilty of creating these riots, although some of these latter are in gaol at the present moment.

EARL FITZWILLIAM. — I think the Noble Duke goes a little too far, when he says that nothing has been done by the magistrates. What right has the Noble Duke, at the present moment, to assume that they have not done their duty? I have just as much right to assume the contrary. Those who are criminal, ought to be punished, no doubt; but it savours somewhat of injustice to the magistrates of Birmingham, to make it a charge against the Government, that they have not punished those magistrates for a neglect of duty, which the Noble Duke, himself, at the present moment, is incapable of substantiating against them. Let me remind the Noble Duke, and the Noble Lord Lieutenant of Warwickshire, that the present is not the first riot which has occurred in the town of Birmingham, and which has been attended with disastrous consequences. Let me recal to the recollection of the Noble Duke the riots which have happened in Birmingham under former Governments, and the outrages which took place in 1790, when the mob destroyed the house of Dr. Priestley. All I ask on the present occasion is, that those Noble Lords who think they have a good opportunity of

making a charge against the Government, will just consider whether similar circumstances might not have occurred in other days? and whether the charge, if any is to be made, now, does not recoil on the heads of those in authority in former times? Let all parties be justly dealt with. Let justice be done to those who have been guilty of these outrages; and if it should be proved — and not till it is proved—that the magistrates have wilfully and intentionally connived at the outrages committed by the mob, let them also be punished; but not at the present moment.

The MARQUESS of LONDONDERRY. — I certainly have been greatly struck with the degree of lightness with which the Noble Viscount has treated this subject; and, also, with the nature of the answer he has given to what has been stated by the Noble Duke. The Noble Viscount also surprised me by charging the Noble Duke with being morose on this ——

VISCOUNT MELBOURNE.—I never used the word "morose."

The MARQUESS of LONDONDERRY. — Yes, you did.

Several Noble Lords. — No, no!

The MARQUESS of LONDONDERRY.—Yes; and the Noble Viscount said this at the very time when he admitted total ignorance, on his own part, of the details of these occurrences at Birmingham. The Noble Viscount went on, so far, as to say, that these troubles and outrages arose from a sort of stupidity; but, if the First Minister is so ill informed as not to be able to give the House any details of the transactions, I really think that this displays a lamentable want of interest in the great duty he has to perform. I should like to know whether the Noble Viscount has received any accounts from Newcastle and Sunderland? Has he not received information that a great many pits in those parts are closed, and that the pitmen are now assembling, like the Chartists at Birmingham? and I should like to know whether precautionary measures have been taken to meet the troubles that may be apprehended there? These matters are not to be passed over in a light way. When I brought under the notice of the House the atrocities committed in Spain, it was all very well for the Noble Viscount to get rid of the thing in his good-natured way; but the devastation of the property of the people of England is a subject which must be dealt with in a very different manner.

LORD MELBOURNE. — I do not remember ever having treated the mention of the atrocities committed in Spain with levity. Neither have I spoken in a light way of the occurrences at Birmingham. In answer to the question put by the Noble Marquess, I can say, that it appears, by information received from the towns referred to, that a great deal of alarm exists there. Of course, precautionary measures, to prevent riot, will be adopted.

LORD WHARNCLIFFE. — I cannot feel surprised at the want of authority on the part of a magistracy, such as that which has been constituted by the Municipal Corporation Act. At the time that Act was pending, the Noble Viscount and his colleagues were warned of the consequences that must ensue,—that the magistracy, in such a corporation as was then proposed to be given to Birmingham and other towns, would necessarily be elected on mere party considerations; and that, from the nature of their position with regard to the populace of those places, they would not possess that amount of moral weight which is always necessary to secure efficient magisterial authority in the event of any outbreak. How could the Noble Viscount imagine that persons, who had been in the habit of agitating up to the moment of their appointment, — as was the case with Mr. Muntz,— and of exciting the people to exceed the bounds of law, should all at once find the people ready to obey them when they acted as magistrates, themselves, for the preservation of the peace? It is my opinion that the appointment of such persons has very much increased, if not led to, all the disturbances that have taken place.

The MARQUESS of LANSDOWNE. —I do not rise for the purpose of offering any opinion with respect to the occurrences at Birmingham, because I believe that as yet no individual can form a just opinion on the subject; and the Government would be chargeable with extreme rashness, and an improper exercise of their public duty, if they attempted, at the present moment, to come to a conclusion regarding those occurrences, and to act on that conclusion. The last accounts received by the Government of what has passed in Birmingham, were dated at half past twelve o'clock last night, and half past two o'clock this morning. The first came from the mayor of Birmingham, and the latter from the superintendent of police, who both stated

that it was impossible for them to place the whole facts under the consideration of Government, because they were then actively and unremittingly engaged in preserving the peace. Were they, or were they not, right in devoting their time to that object? By their exertion, the public peace was preserved last night; and it will be for them to make known all the circumstances to her Majesty's Government; and it will be for the Government to act on the facts, taking them into deep consideration, when known,—but not, certainly, proceeding to punish on imperfect information received only ten hours after the transactions have occurred.

The DUKE of WELLINGTON.—What I stated, in answer to what the Noble Viscount opposite said to the question of my Noble Friend, was, that it was publicly known, before twelve o'clock, that disturbances had taken place at Birmingham; and yet, when I appealed to the Noble Viscount, he knew nothing at all of the matter. I certainly concluded that the Government had plenty of information on the subject, because soldiers and police had been sent down to Birmingham; and the Noble Viscount and the Noble Marquess did not, in the first instance, get up to correct me in that opinion; but, as the Noble Marquess has now done so, I receive his correction, and feel obliged to him for it. There, undoubtedly, has been a very gross outrage committed in the town of Birmingham,—houses have been gutted and perfectly destroyed. It is very likely that the Noble Marquess has other authority, but I have only the authority of the newspapers, from which it appears that houses have been gutted, the furniture brought into the streets, and there burnt. And I will say, again, that that town—that peaceable town—that rich manufacturing town—has been worse treated than any town was ever treated when taken by storm. I say this from my own knowledge; and I challenge the Noble Marquess's correction for venturing to give that opinion to your Lordships. I will, now, venture to draw another conclusion; and I hope this, at least, will be admitted to be correct. There were in the town the mayor, the superintendents of police, and some troops,—at least, so I learn from the newspapers, for her Majesty's Ministers know nothing at all about the matter,—and, notwithstanding the correction of the Noble Marquess, I will venture to draw this conclusion,—that the magistrates—who did not let the troops interfere until after some houses in the town had been burnt and property destroyed—were highly culpable. The Noble Earl opposite (Earl Fitzwilliam) has told your Lordships that a similar misfortune has befallen Birmingham before; but if that town be liable to these misfortunes, I should say that that is another reason why her Majesty's Ministers should, on the first information they received of what occurred ten days ago, have taken the hint, and been careful that the magistracy of the town did all they could to preserve peace. I will go a little further: I will say, that even the information contained in the newspapers might have drawn the attention of the Government to the subject I have heard something of special commissions, and other means of marking the sense of the Government in riots of this description. There might be an inquiry into the conduct of the magistrates—the Noble Marquess knows nothing of that; but something should be done to mark the sense of Government in relation to this matter. Yet it appears that I am all abroad,—that no one has any right to notice these things. I might say to your Lordships, "Take care what your Lordships do on this subject, or you will certainly fall under the lash of the Noble Marquess. I earnestly entreat you to take care what you do. Let towns be burnt, property destroyed, but don't apply to the Ministers; they know nothing of such matters; and the Noble Marquess will attack you for being so unjust as to say that such things have been done." I acknowledge the justness of the Noble Marquess's correction; but all I hope is, that I may not have another occasion for making such an acknowledgment.

The MARQUESS of LANSDOWNE.—I certainly did not say that any person was wrong in noticing this subject; and I am sure that it must be most painful to the Noble Duke, or to any one, to advert to circumstances which they think have led to public outrage; but that which I did—(with great submission to the Noble Duke)—say, was, that her Majesty's Government had not done wrong in abstaining from forming an opinion in seventeen hours as to what had passed in the town of Birmingham; and still more were they not wrong in abstaining from punishing persons in the present imperfect state of their information. I still adhere to that opinion: and when the Noble Duke states that it must be manifest that wrong has been done, I will say that nothing was more easy than to ascertain that fact; but it was not very easy, within seventeen hours after the events happened, to find

out who were the doers of the wrong. I maintain that it is not a hasty opinion which is called for from the Government, but an anxious and mature deliberation before they proceed to act.

The DUKE of WELLINGTON. — I am sure the Noble Marquess would not have willingly misrepresented what I stated. I did not talk of the magistrates who have been guilty of what I think improper conduct, but I spoke of those who were guilty of the riots ten days ago. The conduct of the magistrates might have been the subject of inquiry; and the persons who were guilty of the riots might, by this time, have been brought to trial by a special commission, or some other mode.

The MARQUESS of LANSDOWNE. — A great number of persons have been taken up, and are awaiting their trial according to law.

FRENCH BLOCKADE OF BUENOS AYRES.

VISCOUNT STRANGFORD. — My Lords, in the early part of the Session, I gave notice of a motion on the subject of the political relations now subsisting between France and certain states of South America; and it was my intention, at that time, to have adverted principally to the case of Mexico; but learning, from what has been stated in the other House of Parliament, that a negotiation is at present going on between that country and France, under the mediation of Great Britain, I shall withdraw my motion, because I am unwilling that anything I might say or do should interfere with that negotiation. But, as well as with reference to the case of Mexico, I should have also taken the liberty of calling your Lordships' attention to the proceedings of France with respect to the minor Transatlantic states; in doing which it would have been my duty to lay before your Lordships the general manner in which that country appears to act with reference to those states, — to refer to the captious eagerness with which the most trifling and frivolous circumstances have been brought up and converted into the grounds of national quarrels, and to the political and commercial advantages which France uniformly contrives to extract from those quarrels, — to the corresponding loss, disadvantage, and injury which her Majesty's subjects in that part of the world thereby suffer. It is, however, to one class of those grievances and injuries, in particular, that I now intend to refer, — namely, to those arising from the prolonged blockade of Buenos Ayres by the French, which has now continued for about sixteen months. On this subject I have to present a petition, signed by nearly 800 of the first merchants, traders, shipowners, and others of this great metropolis; and I should regret to hear that the want of confidence, power, and popularity of her Majesty's Ministers, in the city of London, is such as to make them disregard so strong an expression of public opinion as is embodied in this petition. I will not trouble your Lordships with any details as to the original disputes between France and Buenos Ayres; for, at the end of the last Session, I had the honour of laying them pretty fully before your Lordships; and I then showed that which was not disputed by the Noble Viscount opposite, — that, in point of justice, equity, and international law, the grounds of those quarrels were utterly and entirely unfounded in right. I will admit, for the sake of argument, that, in this instance, France is entitled to make these demands, and to appeal, in an extremity, to actual force; but what I say is this, — that objects, which are perfectly justifiable in themselves, may be pursued by unjustifiable means, — and that the means which have, in this instance, been pursued by France, are perfectly unjustifiable. My Lords, I will proceed, very shortly, to state the position in which Buenos Ayres is placed. In addition to the misfortune of having so powerful an enemy as France, there is this further calamity now pressing on the republic of Buenos Ayres, — that she is engaged in a civil war with some of her own subjects; which civil war has been fomented and supported by the servants and agency of France. By the evidence of that collection of state papers which I now hold in my hands, — a compilation of documents, not like other collections of state papers, no transcripts surreptitiously obtained, and discreditably made public, but published under the avowed and direct sanction of the Government, — (not at the secret instigation of those who are spiteful and mean enough to wound, but who are not bold enough to strike), — by this evidence it appears, that France has landed troops and taken possession of the very important Island of Martin Garcia. This transaction seems to have attracted the attention of the British Government, and they directly called on the French ambassador for an explanation of the circumstances. It appears that the explanation was not altogether satisfactory; for I find, from the papers that

were laid on the table of the House of Commons on the 17th of April this year, that Lord Granville was instructed by the Government here to make further application to the French Government. The following is an extract from Lord Granville's letter to Count Molé: —

Paris, March 7. 1839.

I have received from Viscount Palmerston a copy of your Excellency's despatch to Count Sebastiani, relative to the proceedings of the French naval forces on the coast of Mexico and in the Rio de la Plata; and I am instructed to request that your Excellency will be pleased to inform me, for the satisfaction of her Majesty's Government, whether, in stating that the French Government had no intention of retaining permanent possession of the Island of Martin Garcia, nor of altering the state of possession as between the Argentine Republic and that of Monte Video, I have correctly reported the substance of your Excellency's assurances.

And this, my Lords, was Count Molé's answer; —

Paris, March 11. 1839.

I have received the letter which you did me the honour to address to me on the 7th of this month. Your Excellency invites me to inform you whether you have correctly understood the purport of the assurances which I have given to you, in writing to your Court, that the Government of the King had no intention of retaining permanent possession of the Island of Martin Garcia, nor of altering the state of possession as between the Argentine Republic and that of Monte Video. I have no hesitation in here confirming the correctness of this interpretation of my words.

The terms of this engagement are as stringent and strong as possible; but France, although she did not retain permanent possession of the island, handed it over to the revolted subjects of Buenos Ayres, whom that Government supported in their rebellion, as a reward for what they had done. My Lords, I take this as part of the proof that France has had recourse to unjustifiable means. France has established a system of blockade, which, I believe, is contrary to law and the practice of nations. The right to maritime blockade should, I have always understood, be supported by something like an appearance of justice; but I have learned, from agents there, that the French are now about to extend their blockade, not merely along the coast of La Plata, but to the whole sea territory of Buenos Ayres. When I adverted to this subject the other night, the Noble Viscount said that the Government had not received any information respecting it; but I have heard that it is known at Lloyd's Coffee House.

VISCOUNT MELBOURNE. — Her Majesty's Government have never received information on this subject.

VISCOUNT STRANGFORD.—If the Noble Viscount had acknowledged this blockade, he would have done it on a most perilous principle. I believe that it will be admitted by your Lordships, that, if a blockade be established, it ought to be impartial, and that all ships and all trade should come under its operation; but, in this case of Buenos Ayres, I believe that one flag is favoured and protected — that one particular species of trade has been exempted from it. This exemption is not the flag of England, of the United States, Sardinia, Spain, or any other maritime state; but the flag of these very insurgents, whom she has incited to revolt, and to whom she promises this protection, so long as they are in arms against the state of Buenos Ayres. This, my Lords, I call unjustifiable. There is another point to which I will call the attention of your Lordships. It is this:—that one of the results of the alliance between France and the revolted provinces was, the destruction of the integrity of the treaty of Buenos Ayres, and the complete annihilation of all those boundaries which were named by Great Britain, herself, in the last treaty of peace between Buenos Ayres and Brazil. There would be great danger if we allowed France to act just as she pleases, and to settle and unsettle the boundaries of the South American states. It would, indeed, be very unwise and impolitic to permit any European state to interfere in such matters. Another matter is, — this conduct of the French destroys the present resources of Buenos Ayres. These, however, may be restored in the course of time; but the conduct of the French goes beyond this, — it destroys the actual constitution of Buenos Ayres, and reduces it to a nullity. The constitution of this state is federative, and the assent of every state is necessary to the acts of the general Government; and while the French are, on the one hand, insisting on having a treaty of commerce, they are, on the other, destroying the power by which such an act can be assented to. My Lords, in considering the grounds which France has alleged for her quarrel with the Buenos Ayres states, it is impossible that we can shut our eyes to the object which she has in keeping up so large a naval armament on the Argentine shores for a period of sixteen months Is it possible that France would have put all this mighty machinery in motion for the purpose of recovering a paltry debt of 600*l*.

or 7000*l.*? They have some ulterior, and far more important, object in view. My Lords, the petitioners complain that the French squadron have seized several small British vessels, and sent them to Monte Video to be condemned. The lawful Governor of that place refused to condemn them; and what did the French do then? They set up another Governor, who did not entertain the same scruples; and he directed that the British vessels should be sold one after another, without sending them elsewhere for adjudication; the fact of their being sent in as prizes was considered sufficient to warrant their condemnation. I will now, for a moment, draw the attention of your Lordships to the importance which the trade with Buenos Ayres is to this country. From the statement made by Sir Woodbine Parish — a very competent authority on such matters — I will read one extract. This gentleman, in speaking of our trade with the Rio de la Plata, says, —

The accounts officially published by the Government of Buenos Ayres, and the papers laid before Parliament, have enabled me to complete the returns of trade to the close of 1837. They show that the Rio de la Plata, to the British manufacturer, has been the most important of all the markets opened to him by the emancipation of the Spanish Americans; and that the value of British trade there alone exceeds the aggregate of all other foreign countries put together. Spain herself has not taken for many years past so large a quantity of British manufactured goods as it appears have been sent to the Rio de la Plata.

This, my Lords, is a correct description of the state of the trade sixteen months ago; but, at present, it no longer exists. This important market is now closed against our exports. In one sense, I am glad of this proof of the stability of the trade of the country — that it is able to dispense with so large an outlay of its manufactures; but, as the humble advocate of those parties whose petition has been confided to my care, this loss is to me a subject of deep regret. I would willingly have remained silent on this subject, if I thought there was any prospect that the present state of things would be brought to an end by negotiation; but the letter of Mr. Backhouse to the Chamber of Commerce of Liverpool, so recently as the 25th of May in the present year, does not permit me to indulge in this hope. That letter is as follows: —

Foreign Office, May 25, 1839.

Sir, — I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 22d instant, and to acquaint you, in reply, that her Majesty's Government have not been informed that the French Government have determined to raise the blockade of Buenos Ayres, or to adjust their differences with the Government of Buenos Ayres, through the mediation of Great Britain.

Yours, &c. J. Backhouse.

I will ask Noble Lords opposite, whether it has ever occurred to them to make use of means which would tend to make the mediation of this country more effective? I will tell them, that it could be made much more effective by having a larger naval armament in those seas. Your Lordships recollect what occurred with respect to the adjustment of the differences between the French Government and Mexico, which were happily terminated by the mediation of this country. This mediation might have gone on, and protocol might have followed protocol, and hostilities might have been continued perhaps to the present time, if Commodore Douglas had not appeared on the Mexican shores with a considerable British naval force. The petitioners state, and state very truly, that the commerce of the country has great need of the protection of a much larger naval force than it now enjoys; and when we know what this country derives from its commerce, I am sure it will be at once admitted that that is entitled to adequate protection in every quarter of the globe where it is carried on. This point is earnestly put forth in the petition which is now before me. It is entitled to serious consideration, when the importance of the subject and the great respectability of the signatures are taken into account. Amongst these signatures are those of Baring Brothers and Co.; Rothschild and Co.; Reid, Irving, and Co.; and many others of the highest character in London. The subject is one which also involves the interests of a very large body of British subjects who are settled at Buenos Ayres and Monte Video, and who are the owners of large quantities of British manufactures now lying there locked up and useless. I do not know what is the exact amount of naval force which would be necessary for the adequate protection of our commerce in the Rio de la Plata; but the petitioners state, that for a long period, there have been only three British sloops of war on those shores, and these have never been there at the same time; sometimes there have been two, sometimes one, and sometimes none at all; and at the period when Buenos Ayres is threatened with a bombardment, the only British vessel of war that was on the coast has sailed away on a cruise, which will take six weeks before she returns, — so that if the British subjects there, had required the protection of a British ship

of war, it has not, hitherto, been at hand. I do not mean to impute any blame on this account to the Noble Lord at the head of the Admiralty, or to the Noble Viscount at the head of her Majesty's Government, for I have no doubt that they wish to see our commerce adequately protected; but what I do blame is, this miserable stingy system of misnamed and misplaced economy, which shrivels and cripples that great arm of our national power, the navy. They may think that much is done, in sending one ship here and another there; but I contend that the naval power of the country, as at present kept up, is altogether inadequate to its wants, and to that protection which its commerce requires. My Lords, I am one of those who think — and I am sure that seven eighths of the country think with me — that if the sums which were expended, last year, in fitting out a protectorate or a dictatorship, or by whatever name it may be called, to govern our North American colonies, had been applied to the extension of our naval force, it would have been attended with infinitely better results. The country would at least have had something for its money, instead of those most unreadable Reports which have been laid on your Lordships' table. In fact, no figures of oratory will do instead of that protection which our commerce requires. We also owe something to those states of Southern America, which, it may be said, we have been the great means of calling into political existence, and something more is due to them than the scanty treatment of a stepmother. I thank your Lordships for the attention which you have accorded to me, and I now move that the petition be read.

The petition having been read, —

VISCOUNT MELBOURNE said: — It is impossible that any feeling of popularity, to which the Noble Viscount has rather unaptly alluded, should induce any man to disregard a petition so signed as that now before your Lordships. Nothing would warrant any neglect of a petition on a subject of so much importance to the country. The Noble Viscount has not at all exaggerated the importance of the most beneficial trade which we carry on with the states on the Rio de la Plata — and the more beneficial, as it consists chiefly, on our part, of exports of our manufactures. But I do think that the Noble Viscount has somewhat exaggerated the decline of that trade; for the last accounts which I have seen of it will show that it is not in that declining state which he has described; but perhaps it may have considerably declined since that time, in consequence of the continuance of the French blockade. It is well known to your Lordships that a great commercial power must be much affected by the continuance of hostilities between states, with both of which it is in amity. This is particularly felt in the case of a blockade. But a blockade by one power of the ports of another is a well-understood and admitted belligerent right. It is a right, of the exercise of which we ourselves have not been sparing when we have been at war; and it is well known that we carried it to an extent, and enforced it with a strictness, not practised by any other nation. We must now, therefore, be prepared to admit, in the case of other countries, that right which we have so long exercised. This is only acting with common fairness and equity to others. At the same time, as a blockade is the source of great loss, inconvenience, and suffering to neutral powers, it is a belligerent right which ought not to be exercised on light grounds, or continued longer than the absolute necessity of the case requires. Now, supposing a case of blockade such as that mentioned in the petition before your Lordships, — we may think it too long; but we cannot constitute ourselves the judge of the right of another independent state. We cannot in justice say to it, "You must not continue this blockade," — for that would be to make ourselves a party at one side. The Noble Viscount has not gone into the cause of the war between France and Buenos Ayres; and I shall not enter into it, beyond saying that part of the conduct of the latter state cannot be defended. Indeed, it is well known that we ourselves have recently had cause to complain of that and of other states. My Lords, I will again say that it would have been desirable that any cause for the blockade had not occurred; and also, it is to be desired that it should not be continued longer than absolute necessity may require. I will not here enter into any discussion of the conduct of French agents entering into the private quarrels of the state with any of its dependencies; but if the French Government should proceed to declare the blockade extended to all the river coasts, and that that declaration should not be followed by keeping up a naval armament sufficient to render the blockade effective, this country would not respect it. With respect to the Island of Martin Garcia, a promise has been held out by the French Government, that it is not their intention to retain it; and I am sure that that promise will be honourably kept. It is the earnest desire

of her Majesty's Government that the disputes which exist between the French Government and the states of La Plata should be brought to an amicable termination; but, at all events, it is intended that such a British force shall be kept in those seas as will be sufficient to protect our commerce there. I avow that I cannot praise the prudence of the Noble Viscount opposite, in attributing the settlement of the dispute between France and Mexico to the presence of a considerable British naval force in those seas. Seeing the effect which such a statement is calculated to produce, I repeat, that I cannot admire its prudence. I will again assure your Lordships, that if additional naval force be found necessary in those seas, her Majesty's Government will not be slow in providing it. As to the continuance of the blockade by the French, I will add, that, whatever may have been the disposition of former Governments of France in the matter, there is a very strong inclination on the part of the present Government of that country to bring all its unfortunate differences with the South American states to a speedy termination.

LORD ASHBURTON. — My Lords, I should like to know if this kind of blockade has ever been resorted to, where no state of war has previously existed? I have no recollection of its having been so resorted to, unless where the blockading party was in an actual state of war with the country. That is not the case in the present instance. So little has France respected the blockade, that the merchants, who are complaining in the petition, state that, in the case of actual war between the two states of Chili and Peru, in which there have been considerable armies of those countries acting against each other, France has denied the right of Chili to blockade the ports of Peru, with which she was actually at war. What I fear is, my Lords, that, for want of a friendly communication between two Governments, that stand in the friendly relation to each other in which the Government of this country now fortunately stands with France, this principle of blockade has been used for mere commercial purposes, without any distinct purposes of war. This was the case at Senegal, on the coast of Africa, and is the case with Mexico and Buenos Ayres. My Lords, this conduct requires watching on the part of this country. No man can be more persuaded how desirable it is that these two great countries should be on terms of good understanding and peace with each other, than I am; and I am quite sure that peace and good understanding are best preserved by neither allowing any encroachments on the part of the other. These aggressions, however, are encroachments, which, if we suffer to be continued with impunity, we shall be, at last, forced into some breach of the peace with France. The differences between France and these new states of America have generally appeared to me to arise from a strong assertion of power on the part of some consul, or commander of a post, on the part of France, who has assumed to himself pretensions, of which the Government at home is not aware. The Government of Buenos Ayres will not permit Frenchmen to be concerned in the trade of the country, at which France has taken umbrage. This exclusion is an act which every independent country has a right to maintain. We do not permit foreigners to establish a retail shop in the city of London. The question is, my Lords, whether these states of America, because they are feeble and weak, are to be what is commonly called "bullied and threatened," because they attempt to support their own rights? This blockade of Buenos Ayres is not punishing that country alone, but it is also punishing this country, and all the countries that trade with it. I would press on the Noble Viscount to ascertain whether it is customary to resort to a blockade with a country with which war has not been declared?

LORD LYNDHURST. — We have done it.

VISCOUNT MELBOURNE.—France is at war with Mexico, but not with Buenos Ayres.

The EARL of ABERDEEN. — I wish to mention a fact with regard to this country having exercised a blockade without being in a state of war. Such a blockade was put in force by this country, two or three years ago, against the state of Colombia; and was instigated for the purpose, as the French allege, of negotiation. It was a very cogent means; for, in three or four weeks, we obtained what we wanted to negotiate.

VISCOUNT MELBOURNE. — We have seized vessels on the high seas without a declaration of war, which is a much stronger act than a blockade.

LORD ASHBURTON. — This is a blockade without any declaration of war.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

VISCOUNT MELBOURNE. — I beg to inform your Lordships, that I have fixed the second reading of the Irish Municipal Corporation Bill for Monday next.

The EARL of RODEN. — I think it right to give notice, that I intend to oppose the second reading of this Bill.

The DUKE of WELLINGTON. — I beg to ask the Noble Viscount whether there is a clause in the Bill, giving compensation to those officers who lose their situations by it?

VISCOUNT MELBOURNE. — I do not know whether there is, or not.

The DUKE of WELLINGTON. — Perhaps you will inquire?

LORD ELLENBOROUGH. — As this is a Bill of very great length, containing many clauses, I think it would be a particular convenience if there was an abstract made of it for the use of your Lordships.

BILLS OF EXCHANGE (No. 2.) BILL.

The Order of the Day for the House going into committee on this Bill, and the Lords to be summoned, having been read, —

The MARQUESS of LANSDOWNE said: — This Bill is an altered Bill from the measure which this House sent down to the other House of Parliament; certainly not altered with the intention, nor with the effect, of extending the provisions of that Act, but rather with a view of simplifying those provisions.

EARL FITZWILLIAM.—Perhaps the Noble Marquess will be so good as to inform me whether I am right in attributing this measure to a recent proceeding on the part of the Bank of England?

The MARQUESS of LANSDOWNE. — It would have been proposed without that having taken place.

EARL FITZWILLIAM. — However, that proceeding, on the part of the Bank of England, is, to a certain degree, connected with this measure. The effect of it will be, to allow a higher rate of interest on bills of exchange than is now allowable by the usury laws. I am not sure whether any one in this House ever called the attention of your Lordships to that proceeding on the part of the Bank, either in relation to the effects which it is likely to produce, or to the causes which led the Bank of England to take such a course. It certainly is a matter of the very greatest importance to the commercial world; and your Lordships will give me leave to say, that I am not quite certain whether your Lordships are, all of you, entirely disinterested persons in this transaction: I really cannot say that all your Lordships have your landed estates clear from debt. And, undoubtedly, though this Bill does not relate to those debts which affect land; nevertheless, any law whatsoever, which has a tendency either to raise the interest of money, or to legalise a higher interest for money, has, ultimately, the tendency of raising the interest of money even to your Lordships; therefore, you are not, I repeat, quite disinterested persons. That is not the view of the question on which I have ventured to say a word on this occasion; because, in my opinion, it would be far better, both to lender and borrower, that they should not be bound by any of those laws which regulate the interest of money. But I want to know whether there is any person in this House who represents the Bank of England; and who, on its part, can state what are the grounds—(there are one or two persons, here, who have attended very much to the subject) — which led the Bank of England to take this step? and what was the object they had in view in so doing? I should be very glad to have some explanation afforded to your Lordships upon the matter. I have my own opinion about it,— but that opinion I shall not state.

LORD ASHBURTON. — The motive is supposed to have been to advance the rate of interest. I am as little able as the Noble Earl to answer for what the Bank of England has done. I conceive, my Lords, the Bank to have been very much mistaken in its views upon this subject. If it be desired to go into the question of the Bill on the present occasion, I shall have to trouble your Lordships with some alterations that I propose. My Noble Friend who has now charge of the Bill, seems to speak of it, still, as a Bill to carry more effectually into operation the original Bill brought up to this House for facilitating the negotiations of bills of exchange and promissory notes. But the Bill is totally changed. The Bill not only asserts that promissory notes shall be exempt from the laws of usury, but that the laws of usury

shall be totally done away with for all contracts. I am not aware that a more sweeping expression could possibly be used to cover every loan. If your Lordships have to decide on this Bill, it will not be, as was the object originally, to afford facilities for the negotiation of bills of exchange; but we shall have to decide whether we are prepared to enact that the laws regulating the interest of money shall be totally done away with, which is the object of the Bill. I will draw the attention of your Lordships to the manner in which the principle of the measure has gradually grown upon us. The original proposition was incorporated into the Bank charter; and it is, to provide that bills of exchange and promissory notes, not having more than three months to run, may be negotiated without reference to the usury laws. About two years ago, it was stated that a further extension of that principle was necessary, —that bills of exchange were in circulation of a longer date that three months, —and it was a great inconvenience that Bills coming from India should not be negotiable; and so a Bill was brought in to make these bills pass at any interest. That Bill was thought quite a sufficient stretch of this principle. Afterwards my Noble Friend (Lord Lansdowne) introduced an extension of the principle to stock securities; and afterwards, on the third reading of the Bill, he extended the principle to goods and merchandise. The Bill went to the other House, and it was there found to be a total violation of the Pawnbrokers Act, and that by it they were laying the poor open to extortion and usury. But, not content with these advances, by the present Bill they extended that principle to contracts of every description. The opinion was avowed, that money, like everything else, should be freely traded in. I confess that I have certainly come to the conclusion, — when I consider the artificial state of society, and the complicated state of engagements which exist, and the dangers which may arise from extortion in granting the loan of money, — that this is one of those cases in which the general principle of throwing open an article to competition does not apply. My Lords, there is a necessity for protecting those who are not wise enough to protect themselves; or who, if wise, are too much led away by their passions to protect themselves; and that degree of protection which the Legislature may throw around society, I see no necessity for doing away with. The Noble Lord has said, that this kind of improvident transactions have always taken place; but I can assure him that the extension of the usury laws, which has taken place, has enormously increased the number and amount of these transactions. Hitherto, however, there has been difficulty and delay in obtaining money; but with the facilities we are about to give, a young man in a gambling house might find a money-lender at his elbow, with pen and ink ready, at once to lend him money; a facility which might, in some cases, be productive of the worst consequences. My Lords, it appears that the Bank of England, having too much paper out, thinks that this proceeding would be a convenient mode of getting it in; but they forget that the country banks, having claims upon them, in some cases, to the amount of 8 or 9 per cent., will call in these claims for the purpose of lending money at 6 per cent. There are many other methods which the Bank might have taken to reduce the general circulation, if that were desirable, without going the length of alarming the community, and producing, also, great and cruel inconvenience, by forcing upon the less important classes of traders that high rate of interest which they are now obliged to pay. On the whole, I fear that, if the Bill be passed in its present shape, confusion will be introduced into the transactions connected with bills of exchange, and a door opened to frauds of various kinds.

The LORD CHANCELLOR. — Unless your Lordships are prepared to restore the law to the state in which it was before the former relaxation, I do not see how you can refuse your sanction to this Bill, which, in effect, only renders clear what was intended by the measure which lately passed this House.

EARL FITZWILLIAM. — I have not yet obtained an answer to my question. The Bank of England, in one sense, is a private corporation; at the same time, in another sense, it is a public corporation, — having intrusted to it the payment of the dividends on the national debt, — and still more, as being required, since the renewal of the charter, to publish an account of its assets, and so forth, periodically. This could never be required of a private company; therefore, the Bank of England may be understood to be very nearly connected with the Government; and it certainly appears to me that her Majesty's Ministers ought to be able to give some account of such proceedings on the part of the Bank, as may become the subject of observation in Parliament. What I wish to know, is, what has been the moving cause of the recent operations of

the Bank? and why that body have thought it necessary to take a step which must have had some view with reference to its own interests, and, generally speaking, with reference to the monetary affairs of the country at large? I think it is highly desirable that the public should not be left in the dark on the subject.

The MARQUESS of LANSDOWNE. — I apprehend that it must be obvious to your Lordships, that it is impossible for me, or my Noble Friend near me (Lord Viscount Melbourne), to give a satisfactory answer to the question of the Noble Earl, because the proceeding referred to has been taken by the Bank solely with reference to its own interests. I may add, too, that the connection between the Bank of England and this Bill does not arise out of the transactions of that body; but, the former Bill being about to expire, it became expedient to consider whether it should be renewed, or not, in this measure.

The House then went into committee; Bill reported, without amendment, and to be read a third time on Friday next; and the Lords summoned.

PRISONS (SCOTLAND) BILL.

The Order of the Day for the House going into committee on this Bill, and the Lords summoned, having been read, —

The LORD CHANCELLOR said: — Your Lordships are aware that there are now four Reports on your table, describing the lamentable state of the prisons in Scotland; and as those Reports have been a considerable time before you, and as your Lordships are, consequently, well acquainted with their contents, I think it unnecessary to allude to them further than by saying, that they are, alone, sufficient to convince your Lordships of the necessity of passing some measure to remedy the evils now existing with respect to prisons. But I would refer your Lordships to certain resolutions, unanimously agreed to at a meeting of sheriffs, held at Edinburgh, on the 4th of March in the present year. Those resolutions are to the effect, that the gaols in Scotland are, with very few exceptions, in so deplorable a state, as to be calculated to undermine the strongest constitutions, — that they are totally unfit for the reception of prisoners, — and that the management of them is most inefficient. Now, I am sure that I am detaining your Lordships unnecessarily; I feel convinced that nothing further need be said to induce your Lordships to concur in the wishes so generally expressed, by entering into a consideration of this Bill, — the object of which is, to remedy existing grievances, and to provide means by which prisons may be established more adequate to the wants of the country.

The House then went into committee.

On Clause 1. being proposed, —

The EARL of MANSFIELD said: — As regards this clause, I would suggest that a proviso be added, to the effect that inspectors of prisons should not be directors of the board.

The EARL of ABERDEEN. — I certainly object to that amendment. The Bill does not provide that inspectors shall necessarily be directors of the board.

The amendment was then negatived, and the remaining clauses agreed to, with verbal amendments; the Report thereof to be received on Friday next; and the Lords summoned: Bill to be printed, as amended.

TITHE COMMUTATION ACTS AMENDMENT BILL.

The Order of the Day having been moved for the House to resolve itself into committee on recommitment, —

The MARQUESS of LANSDOWNE said: — It is not my intention, at this hour, to go into a consideration of the clauses which I and several of your Lordships mean to propose; I merely wish that the Bill should be recommitted *pro formâ*, in order that they may be printed.

The Bill was then reported, without amendment; to be ingrossed; to be read a third time on Tuesday next; and the Lords summoned.

TURNPIKE ACTS CONTINUANCE BILL.

Read a second time (according to order), and committed to a committee of the whole House on Thursday next.

PRISONS BILL.

Petition against the clause permitting

the appointment in prisons of Roman Catholic chaplains and other teachers of religion, whose tenets differ from the principles of the established church, — of clergy and laity in Bristol and its vicinity. — Read, and ordered to lie on the table.

SABBATH.

Petitions for the better observance of, — of inhabitants of Stony Middleton; Clifton; and All Saints, Derby. — Read, and ordered to lie on the table.

POSTAGE.

Petition against the plan recommended of using stamped paper for the purpose of inclosing letters to be forwarded by the post, — of stationers of Scarborough. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

Petitions for the further endowment of, — of heritors, elders, and inhabitants of Dalziel: of members of the congregation and parish of Chapelshade: and of inhabitants of Lanark; and East Kilbride. — Read, and ordered to lie on the table.

PRESBYTERIANS.

Petition, praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of the First Presbyterian congregation of Ballybay, in connection with the synod of Ulster. — Read, and ordered to lie on the table.

PRISONS (SCOTLAND) BILL.

Petitions against parts of, — of magistrates and town council of Lauder; of owners of house property within the city of Glasgow; and of inhabitants of Tain. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petition in favour of the plan recommended by the Privy Council, — of inhabitants of Colyton. — Read, and ordered to lie on the table.

Petition of freeholders and householders of the Islands of Saint Christopher, and Nevis, in America, praying for redress of certain grievances. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against parts of, — of Arthur Perceval, rector of East Horsley, in the diocese of Canterbury. — Read, and ordered to lie on the table.

PRISONS BILL.

Petition against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion, whose tenets differ from the principles of the established church, — of inhabitants of Stapleford. — Read, and ordered to lie on the table.

PAPERS.

Papers relative to India. — Delivered (pursuant to Act), and ordered to lie on the table.

Copy of Treasury minute, dated 20th of June, 1839, regulating the office of presenter of signatures in the Court of Exchequer in Scotland. — Delivered (pursuant to Act), and ordered to lie on the table.

Return of the net income and expenditure of the United Kingdom for the several years ending the 5th of April, 1836, 1837, 1838, and 1839, respectively, showing the exact amount of surplus or deficiency of net income in those years: Also,

An estimate, to the same effect, for the year to end the 5th of April, 1840: And, also,

Return of the unfunded debt, as existing on the 5th of April, in each of the said years; distinguishing the amount of Exchequer bills out for public works.

Delivered (pursuant to Address of Thursday last), and to be printed.

Analytical Index to the Reports of the Commissioners appointed to inquire into the Municipal Corporations (England and Wales). — Delivered yesterday; to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

The following Bills were severally read a second time, and committed as follows; namely, —

Belper Small Debts (No. 2.) Bill; Wirksworth Small Debts (No. 2.) Bill, — To Mr. WILLIAM EVANS and the South Derby list.

Glossop Small Debts (No. 2.) Bill; Chesterfield Small Debts (No. 2.) Bill, — To Mr. WILLIAM EVANS and the North Derby list.

Eckington Small Debts (No. 2.) Bill, — To Mr. GEORGE CAVENDISH and the North Derby list.

Oldham Small Debts (No. 2.) Bill; Warrington Small Debts (No. 2.) Bill, — To Mr. BOOTLE WILBRAHAM and the South Lancaster list.

Rochdale Small Debts (No. 3.) Bill, — To Mr. FENTON and the South Lancaster list.

Aberford Small Debts (No. 2.) Bill, — To SIR GEORGE STRICKLAND and the West Riding of York list.

Rotherham Small Debts (No. 2.) Bill, — To SIR GEORGE STRICKLAND and the North Riding of York list.

Hatfield (York) Small Debts (No. 2.) Bill, — To Mr. BAINES and the West Riding of York list.

Grantham Small Debts (No. 2.) Bill, — To Mr. WELBY and the South Lincoln list.

Nottingham and Mansfield Small Debts (No. 2) Bill; Newark Small Debts (No. 2.) Bill, — To the EARL of LINCOLN and the South Nottingham list.

Rochdale Small Debts Bill. — Petition of James Dearden, esquire, against. — Referred to the committee on the Bill; counsel ordered.

Deptford Pier Bill; Liverpool Buildings Bill. — Lords' amendments agreed to.

Rathkeale (Limerick) Inclosure Bill. — Further proceeding on third reading resumed; amendment made; Bill passed.

SMALL DEBTS BILLS.

Ordered, That the committees on the Small Debts Bills which have been read the second time this day, have leave to sit and proceed, and report on Friday next; and that the evidence taken before the committees on the former Bills be referred to the committees on the said Bills respectively.

Ordered, That the regulations with regard to the drawing up and delivering breviates of Private Bills be dispensed with, in respect to the Small Debts Bills now in progress.

PUBLIC BUSINESS.

RETURNS.

Bath Union Workhouse. — On the motion of LORD GRANVILLE SOMERSET, Copy ordered —

Of the proceedings in the investigation into the conduct of the master of the Bath union workhouse, held before the assistant commissioner, Mr. Adey, in the course of the spring, 1839; together with the decision of the board of guardians and Poor Law Commissioners thereon.

Public Records. — Return presented, — of any appointments made, and rules established, by the Master of the Rolls, for the custody of public records, under 1 & 2 Vic. c. 94. (ordered the 9th of July). — To lie on the table.

Lower Canada. — Return (presented the 12th of July) to be printed.

NEW WRIT FOR AYLESBURY.

In the room of WINTHROP MACKWORTH PRAED, esquire, deceased.

NEW WRIT FOR TOTNES.

In the room of JASPER PARROTT, esquire, Chiltern Hundreds.

LIBRARY COMMITTEE.

Report brought up, and read; to lie on the table, and to be printed.

SMALL TENEMENTS BILL.

Second reading deferred from to-morrow till Friday.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Establishment (Canada), &c., — From Newport (Isle of Wight), in support.

Postage, — By CAPTAIN GORDON and Mr. HOGG, in favour of the proposed measure, — from Aberdeen; Irvine; and Beverley.

By SIR F. TRENCH, against any measure requiring stamped letter paper or envelops, — from Scarborough; and Great Yarmouth.

Inland Warehousing Bill, — By Mr. H. BERKELEY and Mr. BROADLEY, against, — from Kingston upon Hull Dock Company; and Bristol (two petitions).

Maynooth College, — By LORD VISCOUNT CASTLEREAGH, — from Donaghadee, against any further grant.

Stage Coach, &c. Duties, — By Mr. EASTHOPE and another Honourable Member, for repeal, — from Nottingham, Leicester, and Northampton; and Canterbury, Margate, and Ramsgate.

Foreign Coffee; Foreign Sugar, — By Mr. HORSMAN, — two petitions from Coldstream for repeal of duty.

Church of Scotland, — By Mr. BAINES, — from Kirknewton and East Calder, against further endowment.

From East Kilbride, in support.

Impressment of Seamen, — From Leith, for abolition.

Bank of Ireland Charter, — By Mr. HUME, against renewal, — from Slane; and Collon.

Fine Arts, — By Mr. HUME, — of George Rennie, E. T. Parris, and others, praying for a full and complete explanation of the management of the fine arts in this country. — To be printed.

Education, — By LORD HENNIKER, — from Hollesley, against the proposed scheme.

Tithe Commutation Act, — By Mr. HODGES, — of landowners of the county of Kent, for amendment.

Poor Law Commission Continuance and Collection of Rates Bill, — By Mr. WAKLEY, — of commissioners for paving, lighting, &c. the united parishes of St. Andrew Holborn above the Bars, and St. George the Martyr, against.

Birmingham Riots, — By Mr. WAKLEY, of the chairman of the Working Men's Association, London, for inquiry into the cause thereof.

Highway Rates Bill; Small Tenements Bill; Payment of Rates Bill, — By COLONEL SIBTHORP, — three petitions from surveyors of the highways of Salford, against.

Lord's Day, — From North and South Erpington, for better observance.

Shannon Navigation, — By Mr. E. TENNENT, — of James Perry, for the adoption of measures for the better improvement thereof.

Spirits, Wine, and Beer (Ireland) Act, — By Mr. O'CONNELL, — of licensed spirit retailers of Dublin, for amendment, with regard to the opening and closing their houses.

CASE OF JOHN THOROGOOD.

Mr. FOX MAULE. — Before we proceed to the Order of the Day, I wish to draw the attention of the House to the case of John Thorogood, in whose behalf my Honourable Friend the Member for Finsbury (Mr. T. Duncombe) presented a petition a few days ago, complaining of certain hardships which he had undergone in the gaol of Chelmsford, where he had been imprisoned for nonpayment of church rates. As that petition has been printed and circulated with the votes, I think that, in justice to the visiting magistrates of that prison, the House ought to hear their answer.

Mr. WAKLEY. — I rise to order. I am sorry to interrupt the Honourable Member, but I think the House ought to come to some distinct understanding be-

fore the Honourable Member proceeds. When Members have petitions to present, they are prevented by the Standing Orders from reading those petitions, or from going, at any length, into the subject of them. It is very true, that the petition in question was printed and circulated with the votes; but my Honourable Colleague, on presenting it, was not permitted to make any statement in support of the grievances contained in the petition; and yet, now, without notice, the Honourable Member the Under Secretary of State is bringing forward a complete answer and justification of the visiting magistrates, whose conduct is complained of. Bad as the present rules of the House are, with regard to petitions, they would be much worse if such a course were allowed; because we should thus be exposed to the risk of having every allegation denied, and a complete defence entered upon by the parties complained of, before the House, without an opportunity of stating the case fully on behalf of the petitioners. I now give notice of my intention to move, early in the ensuing Session of Parliament, that the present resolutions regarding the presenting of petitions be rescinded.

The SPEAKER. — If the Honourable Member the Under Secretary of State considers that the case involves a question of privilege, he is in order; if not, he is not entitled to enter into the explanation he has commenced.

Mr. FOX MAULE. — I do not claim to be heard, Sir, on the score of privilege. My Honourable Friend the Member for Finsbury (Mr. T. Duncombe) placed a written statement of the case in my hands, requesting I would make inquiry into the matter. I have made inquiry; and was about to make known the result, when the Honourable Member rose to order. As it appears I am not in order, I shall move that this document, containing the answer of the visiting magistrates, be laid on the table of the House, and printed with the votes, for the information of Members.

Mr. HUME. — I would suggest that the proper course to adopt, in order to rebut the charges made against the visiting magistrates, would be, to present a counter petition from those parties, embodying their defence; and when the House has both cases before them, they will be better prepared to decide upon their merits.

Mr. T. DUNCOMBE. — I think the difficulty may at once be got over, by my asking the Under Secretary of State a question; I therefore ask him whether he has any explanation to give relative to the treatment of John Thorogood in the gaol of Chelmsford, where he has been confined for several months, and treated as a common felon, for not having paid 5*s*. 6*d*. of a claim for church rates?

Mr. FOX MAULE. — In reply to the Honourable Member, I beg to say that I have a very full explanation ——

[Laughter.]

in the document which I hold in my hand; but I think that, after what has taken place, the better course will be for me to lay that explanation on the table of the House, and move that it be printed. I shall now, however, only give notice of my intention to do so to-morrow.

COURTS OF EQUITY.

Mr. FRESHFIELD. — Sir, in submitting to the House a motion for certain Returns relating to the Court of Exchequer, my object will be, to show the present situation of the Court of Chancery, or, rather, of the suitors in that court; the urgent necessity of some immediate relief; the effectual assistance which might be afforded to those suitors by rendering the court of equity in the Exchequer an efficient court; to point out the injurious effect upon that court of various legislative measures during the last twenty years; and to suggest a remedy for the evils now existing.

Sir, I am deeply impressed with the importance of the subject, and painfully conscious of my inability to command the attention of the House; and I shall, therefore, more briefly and more abruptly, perhaps, than is consistent with the interest of the public, enter upon the consideration of this great question. Honourable Members are, no doubt, aware, that it appears by a Return recently made, that there are, now, 712 causes waiting for a hearing before the Lord Chancellor and the Master of the Rolls; and when a hearing is spoken of in reference to the Court of Chancery, it must be borne in mind, that, probably, years of delay have taken place in many of those causes before they have arrived at that important stage. Without dwelling, however, upon that previous source of anxiety and expense, there are now 712 causes ready

for hearing and in arrear. It has been stated by the present Lord Chancellor, in his place in Parliament, that if no one new cause should be set down for a hearing during the next three years, it would require the whole of that period to clear off such arrear; in other words, for a period of three years, the doors of the Court of Chancery are as effectually closed against the suitors, whose causes are not included in that arrear of 712, as if no such tribunal existed.

This would be described as a crying evil, because it amounts to a denial of justice; but, in my opinion, the delay of justice — such delay as the Court of Chancery exhibits — is, practically, a greater grievance than the positive denial of all relief; and to live under an absolute monarch — whose will is the law, and who has and exercises the power of protecting a favourite from the liability to do justice to his creditor — is far more tolerable than, nominally, to enjoy the benefits of a free constitution and equal laws, and yet, as the consequence of delay, to be subject to the distracting alternations of hope and disappointment, creating present misery and probable ruin. In the one case, the necessity may appear hard, and the measure arbitrary and unjust; but it is positive and unequivocal, and must be borne; and though the claimant does not gain his right, he loses nothing in the pursuit of it. Not so the unhappy victim of delay. I might illustrate the hardship of his case by many instances; I will, however, trouble the House but with two.

In one case a gentleman of retired habits and great attainments, with an easy competency, had the strongest reason to believe that he was entitled to a property of 30,000*l.* per annum, which was enjoyed by another,—and was, in fact, the support of a peerage. To the claimant any accession was indifferent; but he had an only son, whose interests he felt himself bound to promote,—and he therefore instituted legal proceedings. It could not be expected of his opponent, that he would facilitate those proceedings; and the claimant encountered all those delays and difficulties which such a stake was likely to provoke. Without describing these delays in detail, it is sufficient for the present purpose to state, that, after reducing his income to three fourths of its former amount, he felt that the duty he owed to a wife in delicate health, and to his son, then in a course of education, required that he should desist from further proceeding,—having already placed his claim in a state to be pursued by his son, if he should be so inclined, at any future period. Now, upon the facts of this case, I assert that delay, and the expense consequent upon delay, — for it is one of the grievances of the suitor, that, while relief is dormant, expense is ever on the alert, — those causes, and those alone, prevented this claimant from pursuing his right; and I adduce two facts in confirmation of that assertion. In the first place, his opponent—the last person to think favourably of an assailant —was so far from deeming his proceeding frivolous or vexatious, that, immediately upon his desisting to proceed, although he waived no right on the part of his son, presented him with a full service of plate in testimony of his honourable conduct. And, in the next place, to show that it was not an imaginary claim, I will state the names of the counsel who gave clear, unequivocal, written opinions in favour of the claimant's right. They were, — 1. Sir Arthur Piggott; 2. Sir Samuel Romilly; 3. Sir Vicary Gibbs (Attorney General); 4. Mr. Serjeant Shepherd (afterwards Lord Chief Baron of Scotland); 5. Mr. Serjeant Williams (an eminent real property lawyer); 6. Mr. Charles Butler; 7. Mr. Preston; 8. Mr. Mayne (afterwards Judge Mayne); and, 9. Mr. Abraham Moore, of the Western circuit.

Sir, I will pass on to another case. It relates to the property of a merchant who died in 1803, leaving that property in the possession of his partner. His only child, a daughter, being abroad, the proceedings in Chancery to recover her right were not instituted until 1809. Her opponent had nothing to gain by expedition, and, of course, the forms of the court were maintained on his part; still, however, no exertion was spared, on her behalf, to prevent delay as far as might be possible, — and in March, 1812, she obtained a decree establishing her rights; but the House must not suppose that a decree in Chancery is like a judgment at common law, — a proceeding at once ascertaining the right, and the amount to be recovered. So far from it, the decree is often the beginning of sorrow, — it is the stage to which the party has for years looked with hope and anxiety; and, when obtained, it is little more than an authority to a Master of the court to take the account. So it was in the case under consideration. The claimant was entitled to recover, — but how much? was the question: and that question was investigated with all the dilatory forms belonging to a Master's office; and it was only in the year 1817, after a delay of five

years, that the Master reported a sum of 62,600*l.* to be due to the claimant.

That report was objected to by the accounting party; and, after a further delay of fourteen months, occasioned by that proceeding, in 1818, the report was referred for revision to another Master, the gentleman who had made the first investigation having died. The second Master applied to the subject the most laudable industry, and the fullest share of talent; but he was bound by the forms of his office, — and the defendant availed himself of those forms, and thus another period of five years was consumed. The second report was not made until 1823; and by that report, the sum declared to be due was not — as upon the first report — 62,000*l.*, but 36,200*l.*; that report was objected to, as not proceeding upon the principle of the decree, but being rather in the nature of an award upon what were conceived by the Master to be the just rights of the parties.

I must, for a moment, interrupt the statement of the investigation in the court, to apprise the House, that the delay and expense of that investigation were not the only source of annoyance to which the plaintiff had been subject; on the contrary, while the proceedings were going on before two successive Masters, the very decree upon which that investigation proceeded had been questioned, first, by appeal to the Lord Chancellor; and his judgment being in confirmation of that of Sir William Grant, the Master of the Rolls, the judgment of the Chancellor was appealed from, to the House of Lords, and it was not until 1825 that the Lords decided against the appeal; so that for more than thirteen years the details were under consideration, and in a course of litigation, — and, for the same long period, it was treated as a doubt whether the very foundation of that investigation — namely, the decree — could be supported.

But to return to the question of accounts; in 1827, the Lord Chancellor thought there was sufficient doubt, whether the principle of the decree had been followed, in taking the account, to induce him to refer the second report back to the Master for revision; but his Lordship, collecting from the defendant's statement, that, upon his own showing, there was a sum of at least 18,500*l.* due, and with a view of taking from him one strong motive to delay, he directed, as a condition for the permission to have the report revised, that the defendant should pay that sum into court, to abide the further decision of the Court. In 1828, — Lord Eldon being no longer Chancellor, — an application was made to Lord Lyndhurst, his successor, to rescind that part of Lord Eldon's decision which directed the deposit of 18,500*l.*; and, after argument, his Lordship was of opinion that, according to the rules of the court, that direction could not be sustained, and he decided accordingly; the effect of which was to send the report for a third investigation, with every inducement on the part of the defendant to consume another period of at least five years in the new inquiry; and as the Master, whose report was to be revised, obtained preferment about two years after Lord Lyndhurst's decision, the farther investigation would have taken place before a third Master, wholly unacquainted with the previous proceedings, and the arguments by which they had been maintained by each party, according to their opposite views and interests.

In the end, after two or three years of pause, connected with severe disappointment and vexation, the party, — who would be called the successful party, who had established her right, and, after long investigations, had obtained reports in her favour, — though differing in amount, — yet who, upon the least favourable, was found entitled to the large sum of 36,000*l.*, — still, such was the effect of the harassing delay and accumulation of expense, that she — this successful party — abandoned the further prosecution of her suit, and the large demand which, morally, and almost technically, she had established; and it is a circumstance strongly confirmatory of my view, that the defendant (the other party to the suit), having been compelled, in certain interlocutory stages of the cause, to pay two considerable sums, which, he contended, exceeded the amount to which his opponent was entitled, yet had not the courage to compel that opponent to proceed to a legal conclusion of the suit, although he is understood to have expended more than 5000*l.* in law charges in his defence; and I submit that his acquiescence in that cessation of hostilities, if it did not amount to an admission, to some extent, in favour of his opponent's right, still proved that he, too, was weary of the delay, which was at the same time so distressing and so costly.

I might multiply cases, to show consequences flowing from the delays of the Court of Chancery, which would deeply affect every feeling mind; but my object is, to address myself, not to the feelings, but to the judgment. I have, therefore, selected cases which are not of an extreme character, — they are cases between affluent parties, — who had ample means to maintain and defend their rights; but,

even for such parties, the consequences of delay were too serious to be longer endured; and by delay, in my opinion, justice was defeated. But let Honourable Members consider, for a moment, what would have been the situation of litigant parties in less affluent circumstances, — one seeking to recover, and the other to resist, a very large demand; — the delay would not be the less, because the means of warfare were not so great; but, on the contrary, and during the long period of suspense, the station in life of every member of the claimant's family would be uncertain; the education of his children must depend, in a great measure, upon the result of his legal proceedings. Those children would attain to affluence, or remain in circumstances bordering upon indigence. The situation of the opposite party would differ only in this, — that he would possess the property which his adversary sought to recover; but, if such a person deserved the character of an honest man, he would hesitate to spend that which was claimed by another; and, at least, his family must be materially inconvenienced by a long uncertainty respecting their pecuniary circumstances; — it must also be recollected, that not only does the problem of success or failure directly affect the situation of the claimant's family during the long period of suspense, but he must find the means of carrying on his suit. The expense, I have already shown, is considerable, though the progress may be small; and how frequently has it happened that the unhappy claimant has expended all his own means; has been compelled to stay his proceedings until he could raise funds by way of loan; these being exhausted, another pause, perhaps of years, has taken place, — and, after several repetitions of loans raised with difficulty, and of hopes of a decision of his suit disappointed, the party is found a prisoner for debt, at the suit of individuals from whom those loans were obtained! Thus does delay aggravate the evil, and involve the man of small pecuniary means in positive ruin.

The effect of delay, such as the every day experience of the Court of Chancery exhibits, must be grievous, even in the instances of affluent parties; and to parties differently circumstanced it must be ruinous. Then, let me ask, can such a state of things be allowed to exist? Does it exhibit a serious grievance, and shall no remedy be attempted? Do not let it be supposed that, directly or indirectly, I prefer the slightest complaint against the learned, able, and revered functionaries of that court; they do all that conscientious judges can effect, and more than the public have a right to expect; — but I complain partly of the system, and more of the inadequacy of the judicial power when compared with the increased extent of the business to be transacted; and, I may add, that not only is the general business of the court enormously increased by the great accumulation of personal property, and the questions incident to the disposition of such property, but the procrastination to which the state of the Court of Chancery leads, has, in itself, a reacting effect, and adds to the amount of business, — because, as was well said in another place, though *bonâ fide* litigation is discouraged, yet *malâ fide* litigation is encouraged; the wrongdoer is described as sitting in tranquillity and triumph; he may safely resist the most just demand; the probability of any decision must be very remote; nay, more, if he be wealthy, he may set up the most unreasonable claim; he may oppress his poorer neighbour; — he has the double chance, first, of that opponent being ruined in his endeavour to defend himself; and, secondly, though not ruined, that he will not live long enough to witness the dismissal of the claim.

At this moment, the money belonging to suitors in the Court of Chancery, and invested in the name of the Accountant General of that court, amounts to about 40,000,000*l*. How much of that belonged, of right and in justice, to parties who, in despair, abandoned all hope of following their claims to a legal conclusion, or to others who were unable to prosecute their suits, or to those who died before any decision had taken place, I need not stop to inquire; it is sufficient for my purpose, that such is the enormous amount of property with which the Court of Chancery has to deal; and although it should be assumed — which I do not admit — that one half of that sum belongs to minors and lunatics, and is merely in deposit until the happening of those events which will occasion its release, yet even the remaining half must sufficiently show a magnitude of individual interest which ought to be more promptly provided for, — and I may be allowed to say, parenthetically, that some proof of the unfortunate situation of suitors will be found in several parliamentary enactments, by which large sums have been, from time to time, taken from funds belonging to those who had been suitors in the Court of Chancery, upon the assumption that such sums were never likely to be claimed, and might, therefore, be applied to public purposes, under a parliamentary pledge that they

should be restored, if the unfortunate proprietors should ever, by themselves or their representatives, establish their right.

If I have proved that a serious grievance exists, and I am asked for what I contend? — I answer, on the part of the public, I ask that every man having, or believing that he has, a just claim, cognisable only in a court of equity, shall have the means of obtaining a decision without unnecessary delay; and in order to illustrate my view of unnecessary delay, I adopt fully the sentiments of a Noble Lord, remarkable for his acuteness and his eloquence, who thus expressed himself when discussing a similar question in 1826. His Lordship said, —

I think it is a monstrous thing, that, in a great nation like this, there should not be a national establishment so strong, as to enable it to hear and dispose of a cause in equity, the moment it is ripe for hearing.

Sir, it is for this I contend. It will not — it ought not to — satisfy the public, because it does not meet the claims of justice, that your judicial establishment should only be equal to an earlier state of society, and should be inadequate to the wants of society as they now exist. It is no answer to say, that you have increased your judicial establishment by an additional equity judge; it will form a part of my duty to endeavour to prove that you have not increased it in the most useful manner; but if I should fail in that endeavour, it is a sufficient answer to say, that, however judicious the means and the manner, they have not been sufficient to meet the necessities of the case; the suitors need — urgently need — further means: and this leads me to another part of my subject, — that immediately connected with the Equity Court of Exchequer; — and I may be allowed to premise that, in discussing this part of my subject, I claim the adoption of the practical remedy I intend to suggest, not more as a relief to the suitors in Chancery, than as a measure of justice to the Court of Exchequer, and to those who would resort to the court for the recovery of their rights.

Upon a former occasion, I stated to the House, upon the authority of Lord Coke, that a Court of Equity was believed to have been held in the Exchequer Chamber before the statute of 33 Hen. VIII.; and thus, as that eminent lawyer affirms, it must be a Court of Equity by prescription. It is ascertained to be a supreme independent Court of Equity, possessing a concurrent jurisdiction with the Court of Chancery in all matters which are the subject of relief and discovery in that court; it acquired, practically, almost the exclusive determination of questions relating to tithe; but, until a recent period, it was much resorted to by other suitors, and, in some points of practice, conferred advantages upon suitors, which those resorting to the Court of Chancery could not acquire; it, however, unfortunately happened,— so far as the suitors in equity were interested, — that the Legislature, upon five several occasions, adopted measures, well intended, and generally useful to the common law or plea side of the Court of Exchequer, but extremely injurious to the Equity Court,—and which will be illustrated by the Returns for which I am about to move, and by which I seek to show the infrequent sittings of the Equity Court of Exchequer since the parliamentary interference alluded to, as compared with the period anterior to those measures.

Prior to the year 1817, all the Barons of the Exchequer sat together as a Court of Equity; and it may be taken as a fact, that in and out of term, the Court of Equity sat about 123 days in each year; but in the year 1817, an Act was passed to enable the Lord Chief Baron to sit alone, for the purpose of hearing and determining causes on the equity side of the Exchequer; and if he should be prevented by sickness or other unavoidable cause, it was then lawful for his Majesty to appoint one of the other barons to hear equity causes: the object intended was, to assist the common law jurisdiction, by enabling both that court and the Court of Equity — by a division of the judicial strength — to sit at the same time; and accordingly, a separate court or place of sitting for the Court of Equity was provided, but the immediate effect was prejudicial to the interest of the equity suitor, because the more frequent sitting of the common law court greatly increased the common law business, and obliged the Lord Chief Baron to give his attendance in the decision of questions belonging to the common law jurisdiction; so that the Court of Equity, instead of being open, as formerly, every day during each term, and for a considerable time out of term, was closed, except when the Chief Baron could withdraw himself from the common law business; and as to the power contingently given to a *puisne* baron, it was so uncertain and doubtful that it seldom came into operation.

In 1830, a still larger, and, as it affected the Equity Court, more disadvantageous, measure passed the Legislature. It was, by the 1 Will. IV. c. 70., enacted, that attorneys of the Courts of King's Bench or Common Pleas might practise

on the plea side of the Court of Exchequer, instead of the clerks in court, who had previously enjoyed the exclusive practice. The effect was, to produce a great increase of business in the common law court, and, of course, still further to occupy the time of the Chief Baron, and to render his sitting in the Equity Court more inconvenient.

In 1838, an Act passed for the better administration of justice in the Privy Council; and in section 25. is this recital: —

Whereas, by reason of the great increase of business on the common law or plea side of the said Court of Exchequer, the Lord Chief Baron is prevented from giving so much time as heretofore to the sittings on the equity side of the said court; and the sittings on the equity side of the said court being necessarily suspended during the absence of the Lord Chief Baron, great inconvenience is thereby sustained by the suitors and practitioners on the equity side of the said court.

Sir, I have read this part of the preamble, to confirm my statement of the effect of the former measures, as well upon the common law jurisdiction, by increasing that branch of litigation, as upon the Equity Court, by occupying the time which would otherwise have been devoted to the claims of the equity suitor. The Act also recites the doubt whether the *puisne* baron could sit when the Chief Baron was not prevented by illness, but by the performance of judicial duties elsewhere; and then it enacts, that a *puisne* baron, authorised by warrant from the Crown, may sit in the Court of Equity "on such days as the Lord Chief Baron of the said court shall sit on the common law side of the said court during the term, or shall preside at the sittings at *nisi prius*, in London or Middlesex, after the term, or shall attend at the Judicial Committees of his Majesty's Privy Council." The effect of this Act has not been such as the Legislature intended: the first part of the remedy has been of little value, because, in term, the extent and importance of the business to be transacted in the common law court rendered the presence of the *puisne* baron desirable; and the provision relating to the sittings out of term is so uncertain, as to have occasioned the most serious inconvenience, and very great discouragement, to suitors; for instance, a *puisne* baron is authorised to sit on such days as the Lord Chief Baron shall preside at *nisi prius*; and it has happened, that when the Chief Baron was supposed to be so sitting, and the *puisne* baron was engaged in hearing an equity cause, information reached him that the Chief Baron was not sitting, but one of the other barons was presiding for him, — and, of course, the baron on the equity side had no jurisdiction, and immediately adjourned his court, to the loss, inconvenience, and delay of the suitor; and I am assured that, at the last sitting, not less than thirty orders for the payment of money were made by the baron sitting in the Court of Equity, when he had no jurisdiction whatever, although he was not aware that the contingency which would have given him jurisdiction had not occurred.

In 1836, another Act passed, to authorise a *puisne* baron to sit in the Court of Equity during the absence of the Chief Baron upon the circuit, and also to continue the hearing of a cause which he had in part heard. But, Sir, there appears to have been a fatality connected with every remedy attempted to be applied to this court. The authority to sit during the absence of the Chief Baron upon the circuit, must produce but a limited, if any, benefit, because it would generally happen that the *puisne* baron's circuit would commence as early as that of the Chief Baron: but the other part of the remedy intended by the Legislature has been found to increase the inconvenience and disappointment of the suitor; because, having obtained a partial hearing of his cause before the *puisne* baron, and expecting to continue that hearing on the following day, he has attended with his counsel and solicitor, and found, to his annoyance, that, instead of the *puisne* baron, the Lord Chief Baron was then sitting, who could not, of course, proceed with a cause in part heard, — and thus the fees and the time were lost to the suitor; and similar disappointments have arisen, where a cause had been in part heard by the Lord Chief Baron, who, instead of sitting on the following day, was succeeded by a *puisne* baron.

The last Act, to which I shall call the attention of the House, passed in the year 1838, which enabled the courts at Westminster to sit *in banc*, — in other words, the judges, except the chiefs, to sit in their respective courts, when those chiefs were engaged at *nisi prius*; — and I shall not feel it necessary to say more of that Act, than that it had the same tendency as the former Acts, to reduce the days of attendance in the Equity Court of Exchequer; because, the Chief Baron being engaged in trying causes at *nisi prius*, and the other barons sitting *in banc*, to hear arguments, perhaps of the most important character, it became essentially necessary that the court should not be further weakened in its judicial

strength, by the absence of one of the barons to sit in the Equity Court.

This statement, Sir, brings me nearly to the close of that which I intended to offer, relating to the Court of Equity in the Exchequer, except as to the remedy I am about to suggest; and, really, upon the subject of that remedy, I cannot anticipate any objection on the part of this House, unless it be found in some opposing plan to be suggested in competition with that which I venture to recommend, and which plan, as I understand it from rumour, I shall very shortly consider, and endeavour to show, ought not to be adopted. But, first, as to my practical remedy. I collect from the several Acts I have quoted, that it was the intention of the Legislature to establish a useful, efficient Court of Equity in the Exchequer. It appears to me that the Legislature is pledged to effect that object. Do I state this too highly? Let me contend, only, that the Legislature is committed not to deteriorate the court of the equity suitors. I have shown — I trust, beyond the possibility of a doubt — that, unintentionally, the Legislature has injuriously interfered with that court; I therefore ask that it should be placed upon as good a footing as it was in 1817. I do not expect that benefits conferred upon others should be cancelled, — I do not ask that you should take back the advantages given to the common law jurisdiction; but I do ask that you should accomplish the declared object of the several enactments, — that an efficient Court of Equity should be open to the suitor; and this, as it appears to me, can only be effected by one course. It was intended that one judge should be constantly sitting in the Equity Court, instead of the four barons, who had, until the Act of 1817, been in constant attendance upon that court. Take, therefore, the baron who now sits — so much to his own credit, and the advantage and satisfaction of the suitors — in the Equity Court, and appoint him the sole equity judge. You must, I am aware, have another *puisne* baron in his stead, or, if another judge in equity be preferred, then appoint that other judge. I am contending for principles and for practical remedies, not for the shape or form of patronage. I admit that either course will involve the necessity of appointing another judge; but can the expense of such a proceeding be put in comparison with the serious, the ruinous inconvenience to which the suitors of the Court of Chancery are exposed, partly by the amount of business naturally flowing into that court, and partly by the absence of all relief which the Court of Exchequer, under a more efficient form, would furnish? And I further claim it as an act of justice to the Court of Exchequer, and to those who are now suitors in that court.

Allow me, also, to remind the House, that the Court of Equity in the Exchequer, has, already, its own building; it has its own offices for the transaction of business; it has its own officers; all the machinery is ready; it wants only a different arrangement of the judicial power. The plan proposed is not new; it has been more than once suggested by Lord Lyndhurst; and I find that, so late as 1836, the present Master of the Rolls expressed his approbation of the plan — (I quote from his Lordship's published speech, page 49.). He said, —

> It has given me great satisfaction to hear my Noble and Learned Friend opposite declare his willingness to support a proposition for the appointment, not only of an additional judge in Chancery, but also of an equity judge in the Court of Exchequer. I entirely concur with him in thinking that an increase of judicial power to that extent is required.

Sir, I could add many other authorities upon this point; but it may be more material to show how admirably such an arrangement would adapt itself to other reforms, especially if any should be made in the appellate jurisdiction; and how objectionable, on the contrary, would be the plan supposed to be in contemplation for augmenting the judicial strength of the Court of Chancery, and the abolition of the Equity Court in the Exchequer.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at half after five o'clock.

HOUSE OF COMMONS, MERCURII, 17° DIE JULII, 1839.

PRIVATE BUSINESS.

Weguelin's Divorce Bill. — Reported, without amendment; to be read a third time to-morrow.

Belfast Water (No. 1.) Bill. — Report, That the parties appearing on behalf of the petition of the Belfast Charitable Society, which had been referred by the House to the committee on the said Bill, having stated to the committee that William Chaine, whose evidence they considered essential to their case, had declined to attend, the committee resolved to report the circumstance to the House, and to request that the House would take such steps as they thought fit, to enforce his attendance.

Ordered, That William Chaine do attend this House upon Monday next.

Bury (Lancaster) Small Debts (No. 2.) Bill, — "For the more easy and speedy Recovery of Small Debts within the Town of Bury, and other Places therein mentioned, in the County of Lancaster," presented, and read a first time; to be read a second time.

PUBLIC BUSINESS.

NEW MEMBER SWORN.

SIR THOMAS JOHN COCHRANE, K. C. B., for Ipswich.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Maynooth College, — By Mr. DUNBAR and Mr. HOUSTOUN, against further grant, — from Billy; Templemichael; and Eastwood.

Education, — By Mr. DUNBAR, — from Birmingham, against the proposed scheme.

Bank of Ireland Charter, — By SIR W. SOMERVILLE, against renewal, — from Ardee; Dunleer; Navan; Castlebellingham; and Balbriggan.

Spirit Dealers (Ireland), — By SIR W. SOMERVILLE, — from Drogheda, for enabling grocers to retail spirits.

Stage Coach, &c. Duties, — By Mr. BUCK and Mr. DIVETT, for repeal, — from Exeter, &c.; and Devon and Somerset.

Postage, — By Mr. WALLACE and Mr. GROTE, for a low and uniform rate, — from Forfar; Rotherhithe, &c.: persons in the employ of Messrs. Pitcher, Blackwall; and in the employ of Messrs. Nasmyths, Gaskell, and Co., Patricroft.

By Mr. WALLACE, LORD DALMENY, SIR HENRY PARNELL, LORD VISCOUNT LOWTHER, and Mr. LABOUCHERE, in favour of the proposed measure, — from Montrose; Auchmithie; Stirling; Kilmarnock; Taunton; Dundee; and Burneside.

By Mr. LABOUCHERE, — from Taunton, against the use of stamped covers.

Queen's Printer (Scotland), — By Mr. WALLACE, — from Perth, Angus, and Mearns, against renewal of the exclusive right of printing Bibles.

Church Patronage (Scotland), — By Mr. MACAULAY, for alteration of law, — from Kilbrandon; and Edinburgh.

Poor Law Amendment Act, — By Mr. JOHN FIELDEN, for repeal or amendment, — from Radcliffe; Guestling, &c.; Llandyssal, &c.; Seal; Aldershott; St. Mary, Newington (chairman of a meeting); Cadogan Williams; Carmarthen union; Barnstaple; William Rowcliffe; and Hannah Ingrey.

Grievances, — By Mr. FIELDEN, — of the chairman of a meeting of inhabitants of Oldham, for redress.

Gaelic Language, — By Mr. MACKINNON, — of members of the Club of True Highlanders, of London, for the establishment of a professorship of that language in one of the northern colleges.

Collection of Rates Bill, — By Mr. CLAY, — from St. George in the East, against.

Education (Ireland), — By LORD ASH-

LEY, — from Billy, against the present system.

Foreign Timber, — By Mr. P. THOMSON, — from the Chamber of Commerce of Manchester, for reduction of duty.

Bonding Warehouses, — By Mr. P. THOMSON, — from Manchester, for the establishment of inland bonding warehouses.

Church of Scotland, — By Mr. COLQUHOUN, for extension, — from Little Dunkeld; and Crail.

Religious Ceremonies Abroad, — By LORD ASHLEY, — from Billy, complaining of the compulsory attendance of British functionaries thereon.

Harbours of Refuge, — By LORD ASHLEY, — of Henry Barrett, for investigation of his plan for the removal of bars and shoals at the entrance of harbours.

Lord's Day, — For securing the better observance thereof, — from Cheltenham; and Dumbarton (moderator of the presbytery).

Poor Law Commission Continuance Bill, — By Mr. J. FIELDEN, — from Oldham, against.

Army, — By Mr. DUNBAR and COLONEL VERNER, for enabling Presbyterian soldiers to participate in the services of their church, — from Portadown; and Armagh.

ROYAL ACADEMY

Petition of Benjamin Robert Haydon, against discharging the Order of the 14th of March, requiring a Return from the Royal Academy.

On presenting this petition, —

Mr. HUME said: — I am aware that it is contrary to the rules of the House to print any petition emanating from an individual, without first referring it to the committee; but, considering that the petition of the Academy has been printed and circulated with the votes, — considering, also, the distinguished acquirements of the petitioner in the science of painting, — I trust that the House will depart from the general rule, and allow this petition of Mr. Haydon also to be printed. It is worded in a very becoming manner, and will afford much valuable information to the House; and I shall have occasion to refer to its contents when the motion of the Honourable Baronet the Member for the University of Oxford comes to be discussed, on the 23d instant, for rescinding the order for the Returns of the 14th of March, as an amendment to my motion that those Returns shall then be made forthwith.

Mr. POULETT THOMSON. — I wish to know whether the petition from the Academy has been printed by order of the House, or by the instruction of the Committee on Public Petitions?

Mr. HUME. — It was printed on the motion of the Honourable Baronet the Member for the University of Oxford, giving notice that he should, on a particular day, bring it under the consideration of the House.

SIR T. FREMANTLE. — I object to the printing of the petition, as it may be argued on, afterwards, as a precedent.

Mr. POULETT THOMSON. — I think the House ought not to enforce the rule in this case, but to allow it to be printed, on the motion of the Honourable Member for Kilkenny, — as that course has been followed with regard to the petition from the Academy.

LORD VISCOUNT HOWICK. — I concur with my Right Honourable Friend, that the House ought to relax the rule in this instance. At the same time, I must observe, that I think the House too readily allows petitions to be printed on the mere notice of any Honourable Member that he intends, on a particular day, to bring the petition under the consideration of the House. When any Member wishes to have a petition printed, on a motion to that effect, I think he ought to be called upon to show such a pressing necessity as will not admit of the few days' delay that would be occasioned by sending it before the committee.

Mr. WARBURTON. — The House has made an order on the Royal Academy to present certain Returns in continuation of former Returns. The Academy has presented a petition resisting that order, — which petition, arguing that the House ought not to enforce its own order, has been printed. If that petition had not been printed, something might be said against the printing of this counter petition; but as it has, I do not see how the Noble Viscount can object to the printing of this petition.

VISCOUNT HOWICK. — I do not object to the printing of the petition in this instance.

Mr. WARBURTON. — In that case, I have not another word to say.

Mr. GOULBURN. — The question is, whether the House will enforce its order of the 14th of March, or not? That being the case, I really do not think the House requires to be told by any individual upon what arguments it ought to enforce that order.

LORD JOHN RUSSELL. — It is a question entirely for the discretion of the House. The petitioner is a very distinguished artist; the project is one relating entirely to the arts; and I certainly consider it a fit case for allowing the petition to be printed.

Petition ordered to be printed with the votes.

THE RIOTS AT BIRMINGHAM.

Mr. MACKINNON. — It was my intention to have given notice of a motion on the subject of the disturbances at Birmingham; but seeing the Noble Lord at the head of the Home Department in his place, I shall put a question to him, the answer to which may render the motion unnecessary. The question which I wish to ask the Noble Lord is this, — whether it is intended that any investigation shall take place with regard to the conduct of the mayor and magistrates of that town, — relative to the riots which took place there on Monday night, and to the apathy evinced by such mayor and borough magistrates for several hours, whilst the sacking, plundering, and burning of the town were going on?

LORD JOHN RUSSELL. — Sir, I have not the least objection to answer the question of the Honourable Member; but I do not think I can do so, properly, by merely confining myself to a direct answer, as the terms of the question do not convey a correct notion of the facts. I must, therefore, request leave from the House to state some circumstances connected with the lamentable occurrences which took place on the night to which the Honourable Member has referred. It must be recollected that I stated, some days ago, in the House, in answer to a question from the Right Honourable Baronet the Member for Tamworth, that it had been represented to me by the mayor and two magistrates of the town of Birmingham, who had come to town for the purpose, that there had been, for some days past, tumultuous meetings of discontented and turbulent characters in Birmingham, to the great disturbance and alarm of the peaceable inhabitants of that town; that they were not able to take efficient steps to suppress those proceedings, in consequence of the insufficiency of their police force, which they had not yet been able sufficiently to organise, as enjoined in their charter of incorporation; but that they hoped, at no great distance of time, to have an efficient local police. They therefore requested that a detachment of the metropolitan police force might go to Birmingham, to be sworn in, there, as special constables, and to afford such assistance as might be required. I acceded to that request, because I thought it was my duty, under such circumstances, to do everything in my power to assist in preserving the public peace of so important a town. That step has been previously alluded to in the House, and some censure appears to have been thrown upon the Government in consequence of it. The mayor and magistrates, on the arrival of the metropolitan police at Birmingham, without, perhaps, taking sufficient precautions, ordered them to arrest certain persons, — which was ultimately effected, but not till after some of the police had been wounded, and until they had been obliged to be assisted by the military. The mayor and the magistrates, after investigation, thought it necessary to commit some of those persons to Warwick Gaol. One of them was liberated on bail, others were detained in prison, and further arrests took place on different charges. Those measures, so adopted by the magistrates, had a very beneficial effect; and I received a letter from the mayor, stating, that they thought that tranquillity had been perfectly restored, and that it would not be necessary to continue the daily reports to the Home Office, which, from the state of the town, I had considered it my duty to call for. While those measures appeared to have been effectual in restoring the peace of the town, statements appeared in the public prints, to the effect, that, by the sudden attack of the police, the safety of many persons had been put in jeopardy, who were taking no part in the tumults; and an Honourable Member asked me whether those statements, contained in the newspapers were, or were not, correct? To that question I answered, that I disbelieved those accounts; and the information which I have since obtained justifies me in the disbelief which I then expressed, relative to the charges against the conduct of the metropolitan police force. At the same time, I wish the House to recollect, that the

statements then made, were accompanied by comments accusing the magistrates of having, from an excess of zeal, interfered with the peaceable meetings of the inhabitants of Birmingham. I think it proper to notice this, because it is impossible that such charges can be publicly made, without having the effect of deterring many persons from placing themselves in such responsible situations. The magistrates stated that they were satisfied with the condition of the town. It has since appeared that they were satisfied without sufficient reason; and, on the night of Monday, the occurrences took place, which are pretty clearly related in the newspapers. A tumultuous meeting was then held, at which the persons assembled proceeded to the destruction of a great deal of valuable property, to acts of great violence and outrage, setting fire to houses, two of which appear to have been entirely burned and destroyed. Other acts of injury were committed on the houses of shopkeepers residing in the vicinity of the Bull Ring, where the riot occurred. One of the proceedings of the mob was, to attack the Public Office, and break the windows. The superintendent of police, who was in the place, took no measures to capture any of the rioters, — having, as he states, received orders not to do so, nor to leave the place, without special orders from the magistrates. These proceedings continued for some time. It is stated in a memorial which I have received at the Home Office, that they commenced at half past eight; and that neither the police nor the military appeared, to put down the riots, until a quarter before ten. The account I have received from the military officer in command is, that, at half past nine, one of the magistrates applied at the barracks for assistance, — when the police and military proceeded to the place of riot. The resistance made to them was quite inconsiderable. The mob fled; and after a certain time, the peace of the town was restored, and no further rioting took place that night. The accounts which I have received of the state of the town last night are, that, although there had been a considerable disposition manifested for riot in different places, and a disposition to renew the disgraceful proceedings of the former night, yet, by the interference of the police and military, the peace of the town had been preserved, and no serious riot had occurred last night.

The Honourable Member has asked me whether it is the intention of the Government to institute any inquiry as to the circumstances which have taken place? The Honourable Member has stated, — doubtless, with no intention to misrepresent the facts, — that for several hours the town was left to the mercy of the mob. Now, according to the information which I have received, the period was from half past eight until a quarter to ten. But there is a statement, at the same time, that information was given to the magistrates that such riotous proceedings might be expected, and that they were known to the informants to be actually in contemplation. I do think that this fact alone — that from half past eight to a quarter before ten, no measures appear to have been taken to stop this riot — is a fact which requires investigation. I certainly think it necessary to inquire into that, and also to ask for proof that the magistrates had been warned that they might expect such riots were in contemplation. I cannot close this statement, without taking some notice of an assertion that has been made with regard to these lamentable occurrences. It has been said that they are entirely owing to the nomination of magistrates, — some of them holding political opinions of a very violent nature, and being political theorists, or Chartists. Now, my belief is, that no part of these lamentable occurrences is to be attributed to the nomination of the magistracy. The fact is well known to the House, that I stated, in the debates on the Municipal Reform Bill, that, with regard to the nomination of magistrates in corporate towns, the recommendation of the respective town councils would have great weight with the advisers of the Crown. I do not mean to go into that question now. For myself, I think that that was a very proper concession, — if concession it can be called, — to grant, to the recommendations of such corporate towns. Let it be remembered, that in many of these towns, as in London, the magistrates are elected by popular suffrage, without the confirmation of the Crown. From Birmingham, after the election of the town councillors, I received a list of twenty-one persons, recommended by the town council as fit and proper persons to be placed in the commission of the peace. At the same time, Sir, I received a communication from the lord lieutenant of Warwick, — (a very unusual circumstance, I may here remark, for it has been but very seldom that I have heard from that Noble Lord, or derived any assistance from him; but, however, on this occasion, I received a communication from him,)—to the effect that he thought it desirable that the county magistrates, and the county magistrates only, should be named in the commission of the peace. I took these representations into consideration, — the

representation of the town council on the one hand, and that of the lord lieutenant on the other; and I made what inquiries I could with reference to both these representations, from other parties. The result was, that I did not agree completely with either of these representations. I put in the majority of the county magistrates, — leaving out some few, chiefly gentlemen who, as I heard, did not any longer reside in the town, and had no connection with it, and one or two others who had ceased to take an active part in the affairs of the magistracy; but still I put in eleven of the county magistrates — gentlemen of various political opinions, — some Whigs, some Tories, — for I did not attend to their politics in making the selection. I also put in a certain number of persons recommended by the town council, and two or three persons who were much recommended to me from other quarters as persons of great respectability and competency; and the result was, that, instead of twenty-one magistrates, I appointed twenty-four, — so that it cannot be said I altogether took the opinion of the town council in the matter; and as to all these appointments, I took every care to inform myself touching the respectability of the individual. There was one gentleman, with respect to whom I had, in the first instance, great doubts whether, after the violent part he had taken in politics, he could be considered a fit person to name in the commission of the peace, — (I refer to Mr. Muntz); but before I decided on this point, I made inquiries in various quarters respecting this individual, and I was told that, though, certainly, Mr. Muntz had taken a violent part in politics, he was a man of considerable talent; that he was likely to prove of great use to the town as a magistrate; that there were none of his views which would at all prevent his giving every support to the maintenance of peace and good order; and that he had declared his total and entire separation from the persons who wished, by means of violence, to make changes in the laws and institutions of the country. I thought, therefore, that, on the whole, it was more likely that the cause of peace and good order would be served by placing this gentleman in the commission of the peace, and I accordingly appointed him.

With respect to this matter, I will take the present opportunity of moving "An Address to her Majesty for a list of magistrates in the commission of the peace for the towns of Birmingham, Manchester, and Bolton;" and if any Honourable Gentleman, on seeing these names, shall be disposed to call in question the fitness of any person appointed, I shall be ready to state the grounds on which I thought fit to appoint him. But, I repeat, my decided belief is, that these nominations have had nothing whatever to do with the recent outrages in Birmingham. I cannot conceive that, out of the twenty-four magistrates of that borough, many of whom are Tories, and many others of whom are Whigs of great moderation of opinion, — I cannot conceive that, among these, there would be any men who, on account of their political opinions, would refrain from taking a part in the suppression of these riots. If there have been fault or negligence in this instance, I believe it to have arisen from an error in judgment on their part, in imagining that the town was restored to tranquillity, and, perhaps, from an apprehension that they might be blamed if they proceeded to measures of too great activity in repressing the appearance of tumult, — and not from any sympathy with the rioters. I will take this opportunity of stating a circumstance which, though not having immediate reference to Birmingham, the House will be glad to hear, as affording an illustration of what is the peaceful disposition of the operatives of the manufacturing towns generally. I believe that, in Birmingham, the great body of the operatives have no sympathy with the authors of the recent disorders. The circumstance I have to state has reference to the operatives of the very populous districts of Longton and Lane End, in the Staffordshire Potteries, who have addressed a declaration to me, which has been a source of the highest satisfaction to the Government. It was on the occasion of some riotous proceedings which had taken place in their district; and the terms in which their declaration is framed are these: —

To the Right Honourable Lord John Russell, Secretary of State for the Home Department.

Declaration of the undersigned operatives of the liberties of Longton and Lane End, Staffordshire Potteries: — Finding that we share in the stigma cast upon our town by the late riotous and disorderly proceedings manifested therein, we deem it prudent to repel such calumny, come from what quarter it may, by disavowing all participation in such conduct, or the feelings which originated it; assuring your Lordship that our ardent desire was, is, and we hope ever will be, that peace should prevail throughout our town. We do, therefore, call upon all our fellow townsmen, filling what stations in society they may, to set a peaceable example, and unite with us for the preservation of peace and good order.

Sir, I believe, though this is the only formal document of the kind in my pos-

session, that, in the great majority of the manufacturing towns, the disposition of the operatives is rather in accordance with this declaration than with the sentiments of the class of persons who wish to advance their projects by riot and violence. Before I sit down, I must beg leave to say, that I do not think that any good effect will be produced by endeavouring to exaggerate the extent of the riots and outrages which have taken place. I have seen several statements carrying their exaggeration to a very great extent; and I was most sorry to see them, because they tend to produce the very state of things which it is of such essential importance to avert — because they tend to interrupt trade, and to throw a great additional number of persons out of employment: and I need not remind you, that it is when a vast number of persons are thrown out of employment that the peace of society is most endangered. I therefore trust that — while I am quite ready to say that an inquiry shall take place with respect to these occurrences at Birmingham — (so, however, as not to affect the proceedings at the Warwick assizes), — while I am ready to institute such inquiry, — I do trust that no statements will be made tending to discourage the magistrates of Birmingham in the execution of their duty, or to create unnecessary alarm throughout the country.

Mr. GOULBURN. — I am much gratified to hear the Noble Lord say that the disturbers of the public peace do not comprise a large proportion of the operatives. That has always been my own conviction, — entertaining, as I do, a most favourable view of the good sense of the general body of the working classes. I believe that those who are led astray, are certainly rather the dupes of designing demagogues, than voluntary disturbers of the public peace; and it is precisely this which causes me to feel the greater jealousy and regret, when I find that more prompt and energetic measures are not adopted for nipping such outrages in the bud, and for dealing effectually with the originators of them. The result of such forbearance is to encourage the guilty, and to compromise the innocent. As to the Noble Lord the lord lieutenant of Warwickshire, I think it would have been better if the Noble Lord had forborne to press any charge against that Noble Earl in the absence of any of the Noble Earl's friends, who may have been instructed as to the circumstances of the case.

LORD JOHN RUSSELL. — I made no charge against the Noble Lord in question. At the same time, I cannot but remark that it is generally the practice for lords lieutenants of counties, to whatever side of politics they belong, to communicate with the Secretary of State respecting any peculiar circumstances which happen in their respective counties; and I think that if the Noble Lord in question had wished to obtain information as to what had occurred, and as to what it was desirable he should do, it might have been better for him to have proceeded to the Secretary of State's office, and there informed himself upon the subject, rather than to have made it a matter for parliamentary discussion. Certainly the Noble Lord's proceeding is not in conformity with the usual practice.

Mr. GOULBURN. — I sincerely wish that that understanding were always acted upon by both parties in this House. The Noble Lord opposite seems to complain that he was not in the habit of hearing from the Noble Lord Lieutenant of Warwickshire. I know nothing of the circumstances of the case; but I have had the honour to know Lord Warwick for a number of years; and I can safely say, that I believe there does not exist a more honourable man than that Noble Lord — a man more unlikely to do anything ungentlemanly or unbecoming his situation. I have that entire reliance on the Noble Earl, that I do not believe he has taken any course which he is not fully prepared to justify.

Mr. SCHOLEFIELD. — I hope the House will permit me to say a few words, under the peculiar circumstances in which I am placed. I am confident, when this matter shall be inquired into, that the magistrates of Birmingham will be able to satisfy this House and the country that no blame or neglect is justly attributable to them. The question is entirely one of time. From the information I have received, I understand the case to be this, — that, at the very first appearance of riot, Redmond, a very active police officer of the town, took a coach and went in all haste to the house of my son, the mayor of Birmingham, who lives about a mile out of the town; that my son proceeded immediately to the town, accompanied by Dr. Booth, and was with the other magistrates on the ground shortly after half past nine o'clock. As the riot did not break out till half past eight, there could hardly have been, up to that time, any very great neglect or omission on the part of the magistrates. As to the police not being allowed to act, it must

be borne in mind that the magistrates were much censured for the conduct of the police on a former occasion; and the very charge which was brought against the magistrates for unnecessary severity on that occasion, was the reason why they did not wish the police to act again, unless they, themselves, should be at their head. There was not the slightest expectation of any outbreak; these occurrences having come upon the magistrates quite unexpectedly. I feel it due to my fellow townsmen and to the magistrates of Birmingham, to state, that I believe that the statements which have been made as to the injury done are great exaggerations. The affair seems to have been an indiscriminate plundering attack upon friends and foes, — for one of the persons whose house was plundered is an old Reformer. I am convinced that, when the time comes, the magistrates will be able to prove that they have not neglected their duty.

Mr. WOLVERLY ATTWOOD. — I beg to say that, this morning, I received a letter from Birmingham, announcing to me, that there is a general anticipation in that town of a renewal of these outrages; that the townspeople are by no means satisfied that the means in the hands of the magistrates will be promptly or effectively employed; and that it is desirable to know whether or not the Noble Lord opposite intends to give the people of Birmingham a better protection than that afforded by the magistrates, by the introduction of some other power into the town on this pressing emergency. It is my decided opinion, that if the magistrates had done their duty promptly, none of these scenes would have occurred. Upon an occasion like this, firmness on the part of the magistrates is indispensable; yet I am informed, that upon the examination of one of the parties engaged in these riots, a discussion arose between the magistrates on the bench and the prisoner at the bar, as to whether one of the town magistrates had not been present at one of the meetings which had led to this result. The mob, themselves, stated, beforehand, that they were encouraged to their proceedings by the supineness of the magistrates, and by the expectation that they would not promptly interfere. I regret that it does not appear that any additional measures have been taken by the Government for the preservation of the peace of that large and important town.

Mr. HUME. — I think, Sir, that it would have been but a proper proceeding on the part of the Honourable Gentleman, as he seems so much in the confidence of the mob, had he gone and given the Secretary of State a warning of what their intentions were, and let him into a few of their secrets. I also think it desirable that the Honourable Gentleman should state to the House, whence comes the letter to which he has referred, as expressing an anticipation of renewed outbreaks, and the belief that the magistrates would be tardy in their proceedings. It is desirable to know who it is that thus inculpates the magistrates, — if it be only to learn the grounds on which he founds his opinion. It appears to me that this, at least, is not the proper time or place for bringing forward such a charge against the magistrates. Again, while complaints are thus being made against the magistrates of Birmingham for neglecting their duty, I should like to ask where the lord lieutenant of Warwick, — whose duties on such an occasion were so peculiarly important, — where that Noble Lord was? — whether he was at his post? — whether he was down at Birmingham when that town was, as it has been stated elsewhere to have been, "in a situation almost worse than that of a town taken by storm?" If the town of Birmingham was in so deplorable a condition, I would ask, was the lord lieutenant on the spot to give his assistance?

Mr. W. ATTWOOD. — Hear, hear!

Mr. HUME. — Does the Honourable Member opposite mean to imply, by his cheer, that it was not the duty of the Noble Lord to be there? I consider that it is essentially the duty of the Noble Lord to be at his post in times of difficulty like these; and that, if neglect be charged against any parties, the magistrates of Birmingham ought, at least, only to share it with the Noble lord lieutenant; for that Noble Lord, so far from doing his duty on the spot, has been all the time in London. The first step of the Secretary of State should have been to despatch the lord lieutenant to his post, to see whether the civil authorities were sufficiently supported. Under all the circumstances, I trust that the Honourable Member will submit the authority on which he has made his statement to the inspection of the Secretary of State.

Mr. W. ATTWOOD. — Sir, in what I said, I merely spoke of what was the general impression among the people of Birmingham, — arising, very naturally, out of their observation of the facts before them.

LORD JOHN RUSSELL. — Sir, with reference to what the Honourable Gentle-

man has said respecting the non-attendance of Lord Warwick, I beg to say that, notwithstanding what has taken place in Birmingham, I do not think his presence was necessary, there. The Honourable Gentleman asks, why I did not send some authority to supersede the magistrates? Now, I am not aware that I could introduce a new power into Birmingham, over the magistrates, even if I desired to take such a step; but I cannot conceive that, out of twenty-four magistrates, there are not some individuals fully capable of preserving the peace of the town.

LORD GRANVILLE SOMERSET. — Sir, I really hoped that, on rising, the Noble Lord would have explained to the Honourable Member for Kilkenny why the Earl of Warwick's presence was not necessary in Birmingham. Even if the lord lieutenant had been in the town, he could not have done anything, except as a magistrate; and if he was not a magistrate, he could do nothing at all. I think, therefore, that it is most unjust that the Noble Lord should be called over the coals in this manner. The Honourable Member for Birmingham seems to think rather lightly of what has happened; but I cannot agree with that Honourable Gentleman. The Honourable Member spoke of the affair as a misfortune which had fallen equally on friends and foes. Why, Sir, this is the first time I have heard of rioters having friends, at all, among other classes.

[Loud cries of "Hear, hear, hear!"]

It is a most lamentable and strange thing, that the mob should have had full liberty for an hour and a half to perpetrate such violences, or that any attempt should be made in this House to extenuate the atrocity of these outrages.

Mr. SCHOLEFIELD. — Sir, the Noble Lord has misunderstood me. The expression I used was, that it appeared to be an indiscriminate plundering attack upon friends and foes; and I illustrated this by adding, that one of the houses plundered was that of an old friend of reform. The mob appears to have gone from house to house.

Mr. PRYME. — The Noble Lord opposite seems to imagine that the lord lieutenant of Warwick has no power in Birmingham, because there is a corporate body there; but I am not aware of any Act of Parliament which gives to the corporation or magistrates of Birmingham an exclusive jurisdiction.

LORD JOHN RUSSELL. — The Honourable Member is quite right; but I should have thought it a great misfortune if the magistrates for the county, not being also magistrates for the town, had taken occasion to interfere with the town. As to what has fallen from the Right Honourable Gentleman opposite, I beg to say that nothing which has fallen from me was meant as derogatory to the character of Lord Warwick as a gentleman, or as a person holding a high station in the country. Yet I will repeat, that I feel that the Noble Lord would have done better, on this occasion, in repairing to the Secretary of State's office, than in going before Parliament on the point.

Motion agreed to.

FACTORY BILL.

Mr. BAINES. — May I ask the Honourable Under Secretary when he intends to proceed with the Factory Bill?

Mr. FOX MAULE. — On Saturday next.

FIRST FRUITS AND TENTHS.

Mr. GOULBURN. — Sir, I beg to ask the Honourable Member for Leeds, whether it is his intention to persevere with his motion on this subject, which has stood for a long time on the Order Book? I think the Honourable Member might as well drop it at once.

Mr. BAINES. — I beg to inform the Right Honourable Gentleman, that it is my intention to go on with it this evening, at however late an hour, if the House will allow me. During the whole of the Session, I have neglected no opportunity on which I thought there was a possibility of my bringing it forward. If I can do nothing else, I will, on the first Supply night, bring it under the consideration of the House.

RETURNS.

Newspaper Stamps. — On the motion of Mr. GILLON, Return ordered —

Of the number of stamps issued to each newspaper in England and Wales during each of the three years ending the 5th day of January, 1839; specifying, also, the amount of advertisement duty paid by each paper in each of the above three years:

Similar Returns for Scotland and Ireland.

Joint Stock Banks. — On the motion of Mr. GILLON, Address for —

Return of the joint stock banks existing in England and Wales, in each of the three years ending with the 5th day of January, 1839; specifying the date of the establishment of each bank, the number and situation of its branches (if it have any), and the number of partners in each bank, during each of the above-mentioned years:

Similar Returns for Scotland and Ireland.

Wheat and Oats (Ireland). — On the motion of Mr. FRENCH, Returns ordered —

Of the average prices of wheat and oats per barrel, calculated upon the Returns advertised in the *Dublin Gazette*, for the year ending the 1st day of May, 1838:

The like for the year ending the 1st day of May, 1839:

Of the average prices of wheat and oats per barrel, calculated on the same Returns, for the period of ten years immediately preceding the 1st day of May, 1838, — namely, from the 1st day of May, 1828, to the 1st day of May, 1838:

The like for the period of ten years immediately preceding the 1st day of May, 1839, — namely, from the 1st day of May, 1829, to the 1st day of May, 1839.

John Thorogood. — On the motion of Mr. FOX MAULE, Address for —

Copy of the memorandums of the visiting justices and governor of the gaol of Chelmsford, transmitted to the Secretary of State, with reference to the treatment of John Thorogood, a prisoner in that gaol.

DRAINAGE OF LANDS BILL.

Reported; Bill, as amended, to be printed.

SOLDIERS' PENSIONS BILL.

On the motion of SIR H. PARNELL, the House went into committee on this Bill. Mr. BERNAL in the chair.

Clause 1. agreed to.

Clause 2. "Poor law guardians may require the payment of pensions to be made to them for relief given by admission into the workhouse."

CAPTAIN PECHELL. — Sir, in my opinion, the real title of this Bill should be, "A Bill for taking away the Pensions of Soldiers and Sailors." I was in hopes that its object would have been to restore to seamen the pensions of which, by the present law, they are deprived, on taking other employment. The consequence of this state of the law is, to give some of our most valuable seamen to other services.

SIR H. PARNELL. — This Bill has nothing to do with the pensions of soldiers, — its only object being to make more clear the law empowering the poor law guardians to take assignments of pensions, in cases where soldiers or sailors, or their families, become inmates of the workhouse.

CAPTAIN BOLDERO. — Sir, I agree with the Honourable and Gallant Member for Brighton, that this is, in fact, a Bill for taking away the soldiers' pensions. But I have many objections to this Bill. In the first place, I object to it in point of form. It should not be called "Soldiers' Pensions Bill," as such a title leads naval officers completely astray. Now, how will this Bill act in the case of a pensioner who receives a shilling a day? That will not support his family, and he consequently is forced to send his child to the workhouse. Then this Bill comes in, and enables the poor law guardians to extract the amount of the child's support from the poor man's miserable pittance. In case of the soldier, himself, becoming an inmate of the workhouse, I should not object to this; but it is really very hard in the child's case.

LORD VISCOUNT HOWICK. — The Gallant Officer appears to me to be entirely ignorant of the law on this subject. The Honourable Member seems to think that some new hardship is intended by this law. That is not the case; because, as the law now stands, the pensions can be assigned, and on just grounds too. Although many of the pensioners are men entitled to our best consideration; still there are others, who, being bad characters and men of improvident habits, make a practice of spending their whole quarter's pension in a few days, and then throwing themselves on the parish. For this reason, the law was made, authorising and requiring assignments of pensions to the poor law guardians, on application for workhouse relief. The object of the present Bill, then, is not to introduce the principle of assignment, but to submit it to some new regulations, which are required to make the former law understood. It is to protect foolish soldiers and sailors from being made the dupes of designing persons. In answer to the Honourable and Gallant Member for Brighton, I have merely to say, that many pensions are granted by Order in Council, and the army pensions by warrant under the sign manual; therefore the proper time for discussing the question he has started, would have been

on the introduction of the army and navy estimates.

Mr. WAKLEY. — Sir, I beg to suggest to the Noble Lord the Secretary at War, the propriety of adopting some arrangements for paying pensions weekly, instead of quarterly, as at present. I have often been in the neighbourhood of Chelsea, and have witnessed scenes of the utmost wretchedness, there, owing to the improvident manner in which the pensioners expend their pensions when they receive considerable sums at a time.

Mr. W. ROCHE. — I can bear testimony to the justice of the Honourable Member's observation. In my opinion, a pension of 10*l*., paid in weekly payments, would be better than one of double the amount, paid as at present.

SIR DE LACY EVANS. — I heartily concur in the propriety of the suggestion. Any one who knows the service, must feel the necessity of the alteration.

LORD HOWICK. — Sir, I am most anxious to adopt any measure which could check the improvidence to which the Honourable Member alludes; and all the measures hitherto passed, in connection with this subject, have tended to that result. But there would be great difficulty in adopting the plan of weekly payments, because it would put an injurious restraint upon industrious men, by compelling them to appear so frequently at a particular place to receive their allowances.

SIR E. CODRINGTON. — Sir, I beg to thank the Honourable Member for Finsbury for the suggestion, the adoption of which would be of great utility. The objection of the Noble Lord could be easily met, by making weekly payments the regular rule, and holding over the payments until the end of the quarter for those who might desire it.

COLONEL SIBTHORP. — It gives me great pleasure to hear the Noble Lord say he will take the subject into consideration. In my opinion, monthly payments would effectually meet the desired object.

CAPTAIN PECHELL. — The Noble Lord has exhibited a commendable care of the interests of the army. I congratulate that force on having so watchful a protector. Such a person is sadly wanted, indeed, to watch over the interests of the navy, in a case like the present, where it is sought to transfer sailors' pensions to the guardians of poor law workhouses.

Mr. C. WOOD. — That question has already been fully considered in the discussion on the navy estimates; but the fact is, that the question raised by the Gallant Member for Chippenham has nothing to do with the present Bill.

CAPTAIN BOLDERO. — I think that the best course would be, to put off the consideration of this measure until next Session,—seeing that the entire system of army and navy pensions is then to undergo revision. If this be not done, I shall certainly take the sense of the House on the second clause, here, as oppressive. It gives power to boards of guardians, in cases where the children of a pensioner are taken into a workhouse, to obtain repayment of the cost of their maintenance out of the man's pension. I think such a provision exceedingly harsh and oppressive.

LORD HOWICK. — If the Honourable Gentleman reads the Act, he will see that, as the law now stands, the guardians have, already, the power to which the Honourable Member objects. The object of the clause is, to prevent the exercise of that power from being oppressive or unjust to the pensioner.

Mr. HUME. — I think that, whatever may be the policy of the existing law, the present clause will be an improvement.

Mr. WAKLEY. — I think this is a most harsh clause. By giving the guardians a prior claim over a man's pension, it will make it impossible for him to assign it to anybody.

LORD HOWICK. — Sir, I find that the Honourable Member for Finsbury does not yet understand the meaning of the clause. The power complained of exists in the present law. The Honourable Member for Chippenham mentioned a case in which the law would be oppressive; but he forgot to mention that there is no compulsion on the board of guardians to put it into execution. Besides, it has always been the policy of Parliament to prevent any assignment whatever of a soldier's pension, under the severest penalties. The only exception is, in the case of the parochial authorities, who are compelled to support the pensioner or his family.

CAPTAIN GORDON. — I think the House has a right to know what is the

real meaning of this Bill. I confess I am desirous of ascertaining what the existing law is. Certainly, the case mentioned by my Honourable Friend is very hard. I should like to know whether, as the law at present stands, the power of assignment extends only to the case of the man himself becoming an inmate of the workhouse? or does it extend to the case of one of his family applying for relief?

LORD HOWICK. — As the law at present stands, the power extends to both cases.

Mr. AARON CHAPMAN. — It appears to me that the soldier or sailor who has spent his life in the service, should be entitled to a little more consideration than the mere labourer; and that his pension — his only reward for wounds and loss of health — should not be attacked in this way.

Mr. HUME. — The law, as it stands at present, gives the power objected to: if objectionable, it should have been opposed at another time. I do not think the pensioner should be allowed to receive the public money, and then to throw his family on the parish.

Mr. WAKLEY. — I am afraid that the clause will operate as an assignment of the pension, without the pensioner's consent.

SIR H. PARNELL. — It is only a repetition of the existing law, with a provision for the exercise of existing powers in a different manner.

The committee then divided: — Ayes 59; Noes 7; — Majority 52.

AYES.

Adam, Admiral	Grant, F. W.
Baring, F. T.	Greenaway, C.
Barnard, E. G.	Grey, Rt. Hon. Sir G.
Bowes, J.	Hobhouse, Right Hon. Sir J.
Bridgeman, H.	Hope, Hon. C.
Briscoe, J. I.	Howick, Lord Visct.
Brotherton, J.	Hume, J.
Bryan, G.	Humphery, J.
Campbell, Sir J.	Langdale, Hon. C.
Clements, Lord Visct.	Lushington, Rt. Hon. S.
Dalmeny, Lord	Morpeth, Lord Visct.
Donkin, Sir R. S.	Nagle, Sir R.
Duff, J.	O'Brien, W. S.
Dundas, Sir R.	O'Ferrall, R. M.
Evans, W.	Palmer, G.
Fenton, J.	Parker, J.
Ferguson, Sir R. A.	Parker, M.
French, F.	Parnell, Rt. Hon. Sir H
Gisborne, T.	Pigot, D. R.
Gordon, Hon. Captain	Pryme, G.
	Rice, Rt. Hon. T. S.
	Richards, R.
	Roche, W.
	Russell, Lord
	Sheil, R. L.
	Sheppard, T.
	Smith, B.
	Style, Sir C.
	Thomson, Rt. Hon. C. P.
	Troubridge, Sir E. T.
	Turner, E.
	Vigors, N. A.
	Walker, R.
	Warburton, H.
	Williams, W. A.
	Wood, C.
	Wood, Colonel T.
	Yates, J. A.
	Young, J.

Tellers.

Gordon, R.
Stanley, E. J.

NOES.

Archdall, M.	Sibthorp, Colonel
Burroughes, H. N.	
Chetwynd, M.	*Tellers.*
Fector, J. M.	Boldero, H. G.
Lygon, Hon. General	Wakley, T.
Parker, R. T.	

Clause agreed to.

Remaining clauses and schedules agreed to, and the House resumed; Bill reported, and the Report was ordered to be received on Thursday.

LOAN FUND (IRELAND) BILL.

Committee put off for three months.

TIMBER SHIPS BILL.

Mr. G. PALMER.—I beg to move the Order of the Day for the second reading of this Bill.

On the question being put, —

Mr. WARBURTON said: — It is my duty to declare, that, unless this Bill be modified, I must meet it with my most strenuous opposition. The Honourable Member, in his Bill, appears to select, for certain restrictions upon the sailing of vessels, the exact time at which no restriction ought to be laid. If we are to legislate at all, we ought to legislate prospectively. Now, on the subject of the losses of ships in this trade, I would refer the House to the evidence given before the committee on that subject; and it will be found there, that the cause of those losses is, not the deck loads, but the quality of the vessels themselves. I have gone over the evidence most carefully, and I find that this is a fact deposed to by almost every witness. Now, the number and character of the ships lost has been most carefully ascertained; but not so the number and character of the ships engaged in the trade. That is a piece of information not laid before the House by the committee.

Now, I think that an account of the whole number of these ships ought to have been laid before the House, and then we should have been better able to draw inferences from the facts; but, as the matter stands, the House have no means of ascertaining how far the committee have arrived at just conclusions. They tell us that a great many losses have taken place; but they do not give us that detailed information, from which we might decide whether their Report is correct, or not. I have endeavoured to test the accuracy of their Return; and I find, that of the 78 reported to have been lost, 44 were lost going out, and were consequently without any timber cargoes at all. Of the remainder, which is 34, 27 were decidedly deficient in some way or other, — which leaves the number of only 7, that could be considered sound and good vessels, which have been lost. Therefore, so far as the details of the Returns go, they do not lead to the conclusion, that deck loads of timber have been the prevailing causes of the loss of these vessels. I have prepared an analysis of the evidence on the subject, but I fear the House would be impatient if I were to go through it; and I will, therefore, merely advert, briefly, to the evidence of the secretary to Lloyd's, in which that gentleman says that the ships employed in the North American timber trade are, generally, vessels considered unfit for any other trade, and have among them some of the worst ships afloat. Another witness says, that a fundamental cause of the loss of the vessels employed in the timber trade is, that they are worn-out ships belonging to other trades; and that, when vessels get so bad that the owners prefer to sell them rather than be at the trouble and expense of repairing them, the parties engaged in the timber trade buy them up for their own use. Another witness — a merchant extensively engaged in the timber trade — says that the ships employed in that traffic are, generally, those rejected by other trades. Another merchant, certainly, says that he considers the ships employed are good second class vessels, and substantial for the purpose they are employed for; but, then, Mr. Becher, a lieutenant in the Royal Navy, gives his testimony thus,— that the causes of the losses of these ships are the badness of the vessels, the bad stowage of the cargo, and the inefficiency of the crew. The underwriter for the London Assurance Company says he would not insure ships in the timber trade; that they are of an indifferent kind, and generally the cast-off ships of other trades. I have, also, the testimony of the master of the London Docks, — but I will not weary the House by going through more evidence. I must say, however, that there is, in the account prepared by the committee, an endeavour to stifle the causes which were assigned by almost every witness for the losses of the vessels engaged in the timber trade. Let Honourable Gentlemen, then, who wish to form a correct judgment on this subject, read the evidence itself, and not the Report of the committee only. I will not, now, trouble the House further, as it is not my intention to oppose the second reading of the Bill; but, in committee, I shall move that its operation be limited to vessels performing voyages to America between the 1st of September and the 1st of May. Before I sit down, I would ask why the Honourable Member has not made this a permanent measure?

Mr. C. P. THOMSON. — My Honourable Friend has detailed certain causes, to account for the frequent wreck of timber ships; but I am satisfied, without going into those causes, — which it may be difficult to prevent, — that there has been a case established which calls for legislation, on the particular point that is the subject of the present measure. I shall therefore give my support to the Bill of the Honourable Member, coupled with the condition stated by the Honourable Member for Bridport, — namely, that the operation shall be restricted to voyages performed between the 1st of September and the 1st of May. I think it is better to make the Bill a temporary measure, applicable only to the winter of this year; and if we hereafter find the losses decreased, we can then make it a permanent measure. For these reasons I shall vote for the second reading.

Mr. CHAPMAN. — I am glad to find that no opposition is to be offered to the principle of this measure. It is a measure called for by ship owners. In no other trade but the timber trade are these heavy deck loads carried; and the practice has been tolerated, in consequence of the indifferent profits that the shipowners receive; but they now see the evil effects of it; and, as a matter of common humanity, and as a friend to British seamen, I am happy to observe that the representatives of all seaport towns have received instructions from their constituents to support this measure. This is a trade, without which, our navy could not be supplied with timber and spars; and it is, therefore, essential to the country. I

venture to assert that this Bill will be productive of great benefit, and I shall cordially support the second reading.

Mr. BARNARD. — If I had wanted further evidence, as to the real causes of the losses of timber ships, that which the Honourable Member for Bridport has adverted to, would have convinced my mind; and I must say I am sorry this restriction is to be put on the deck loads.

Mr. G. PALMER. — The Honourable Member for Bridport has asked why I did not make the Bill permanent? I will tell him. It was simply because I did not feel myself of sufficient importance in this House to take such a course. I thought that to be the duty of the Government; and, my only object was, to give her Majesty's Ministers an opportunity of bringing forward such a measure as they might think fit, in order to preserve the lives of seamen. The Honourable Gentleman has cast an imputation on the committee, of slurring over the evidence; but I am sorry to say that the Honourable Member, himself, has palpably slurred over that part of the evidence which relates to the deck loads. It is clear, from the Report of the committee, that ships have been lost in situations where there was no reasonable cause for loss, and where no ship ought to have been lost, if properly loaded and ballasted, — and it has been proved, that the cause of the loss of many of them has been, not the faulty character of the vessel, but the bad stowage.

Mr. O'CONNELL. — I do not think it was fair in the Honourable Member for Bridport towards the committee, to blame them for not going further into evidence. I must say that there never was a Report which called more emphatically for legislation.

Mr. HUME. — My Honourable Friend has shown that the majority of ships in the timber trade have been lost when going out, and when they had no loads at all. The question is, whether it would not be better to prevent the possibility of bad ships being employed?

ADMIRAL SIR C. ADAM. — Had it not been for that observation, as to ships being lost going out, I need not have now offered any remark. I will merely say, that it should be remembered, ships may be lost from the nature of the navigation, and not from being unseaworthy. As a member of the committee, I am bound to say that I feel the importance of legislating on the subject.

The Bill was then read a second time, and committed for to-morrow.

PAYMENT OF RATES BILL.

Second reading deferred till Friday.

ECCLESIASTICAL DISTRICTS BILL.

Read a second time, and committed for Wednesday next.

SHANNON NAVIGATION BILL.

On the question, "That the House resolve itself into a committee on this Bill," —

COLONEL SIBTHORP said: — I must now observe, Sir, that I have a great respect for Ireland; I wish to see the condition of that country greatly improved; but I am bound to express my opinion that, in the present state of our finances, such a sum of money as is called for, for the improvement of the Shannon, ought not to be granted. In the first place, how is it to be raised? By Exchequer bills? If so, I object to that at once; for it is a mode of borrowing which I do not like. I repeat that, in the present circumstances of the country, this grant is not justifiable. I know how thin the House is, and that my humble voice can have but little weight, here; yet, Sir, I wish to put my opinion on record, that this Bill ought to be postponed to a future period, and a fuller House. If I had support, I should certainly, as a humble, but honest, guardian of the public purse, move that the Bill be committed this day three months.

The CHANCELLOR of the EXCHEQUER. — The Honourable and Gallant Officer, in recording his opinion, has acted with fairness and courtesy; but I hope the Honourable and Gallant Gentleman will consider that this Bill has now been before the House year after year, and that, during that time, there has not been a single petition from Great Britain or Ireland against it — except one on private grounds, which was afterwards withdrawn; — but that, on the other hand, there have been several petitions in its favour. I will take this opportunity of saying, with respect to myself, personally, that as a

report has gone about, out of doors, that I have an individual and private interest in this measure, I am particularly anxious, on that account, to go into committee, in order that I may have that opportunity of making the fullest and most ample explanation; and I shall be able to show the great delusion that many persons are under in this respect.

Mr. HUME. — The Right Honourable Gentleman has alluded to statements that have been made elsewhere; and it is due to the Right Honourable Gentleman that he should have the opportunity of tendering his explanation. I take this opportunity of saying, that I have been informed no Return will be made to the public of this advance. If so, it becomes a question, whether we ought to proceed further with the matter.

CAPTAIN BOLDERO. — I would ask the Right Honourable Gentleman whether this is the only sum that will be asked for this purpose?

The CHANCELLOR of the EXCHEQUER. — This is the only sum that will be asked.

CAPTAIN BOLDERO. — But what guarantee have we that the estimate will be sufficient to carry the work into execution? There may be impediments and difficulties to contend with, which do not yet present themselves; and in the course of three or four years, the sum granted not being found sufficient, you may come to us for more. True, we have persons well qualified to carry out the work; but, still, we want a guarantee of this kind. There is scarcely a private undertaking of this sort that has not far exceeded its original estimate. Take Waterloo Bridge for example — the finest bridge in Europe, — or take the Thames Tunnel, and almost every railroad,— and you will find that in all those instances the actual cost has nearly doubled the original estimate. Now, I very much fear we shall be asked for more money on this account. Moreover, there is another plan connected with this, — I mean the canal connecting the Shannon with another river.

The CHANCELLOR of the EXCHEQUER. — This is the only sum that will be asked for the improvement of the Shannon. The canal to which the Honourable and Gallant Gentleman alludes forms no part of the present question. If the Honourable and Gallant Gentleman wish to take this opportunity of opposing the House going into committee, I must take the same opportunity of making my explanation; but I think it would be more convenient, on all accounts, to get into committee.

Mr. O'CONNELL. — It has been asserted that I, also, have a personal interest in the improvement of the Shannon. I beg to deny it. There is not a Gentleman in this House who has less individual interest in it than I have.

Mr. W. WILLIAMS. — If I understand the proposition rightly, it is, that a sum of about 290,000*l.* is to be given out of the public purse, and to be secured upon the county rate. I wish to know whether this be the case?

The CHANCELLOR of the EXCHEQUER. — Let the Honourable Gentleman stop me at the very first clause if he will; but, now, when it is agreed that it would be better to go into committee first, it really is not fair to press upon me for an explanation, which must necessarily be of some length.

Mr. JOHN ELLIS. — I wish to call the attention of the Right Honourable Gentleman to one point. There have been five Reports on this subject presented to the House; and upon the fly leaf to the titlepage in Part I. of the Fourth Report, it is stated, that maps and plans, up to 53., have been published, and that those remaining will be laid before Parliament. Now, these maps and plans have not yet been placed upon that table; and, I ask, if we are called on to legislate, how are we to do so without them? I shall not oppose the wish of the House to go into committee; but I certainly shall object to proceeding further without these maps and plans.

Mr. FINCH. — I think that this Bill ought not to proceed; and therefore I beg leave to move that you, Sir, do leave the chair this day three months.

Mr. W. WILLIAMS. — I second the motion.

The CHANCELLOR of the EXCHEQUER. — That motion being made, I am called upon to enter into my explanation, now. I think, when Honourable Gentlemen reflect on the interests involved in this Bill, and the effect which will be produced by their amendment, they will hesitate before they persist in their motion. I take upon myself, at the outset, to state, that the interests of Great Britain are involved, in this vote, with the interests of Ireland. I may despair of comforting those Honourable Gentlemen

who take up what I must be permitted to call narrow and restricted grounds; but, to those who are disposed to take a more liberal and comprehensive view of this question, it may be sufficient to show that the interests of Ireland are deeply involved in it. With respect to the money, I tell the House, that the saving upon the establishment of Ireland, made within the present year, as compared with the last ten years, would be, alone, sufficient to defray the expense; and I must say, it is but poor encouragement, when the civil and military establishment of Ireland have been greatly reduced, — and when, by an improved system of government and a strict regard to economy, the expenditure of that country has been considerably diminished,—for Honourable Members to turn round upon us, and say that they will not grant that which Parliament has promised, and the Bill for authorising which we have consequently a right to ask this House to entertain. An Act of Parliament passed this House, and received the sanction of the other branch of the Legislature, two years ago, in which the principle of this Bill was affirmed; and we come, now, to ask Parliament to fulfil that pledge, and to discharge a duty which I could show that they are called upon to perform, as well by a long series of precedents as by the necessity of the case. It has been supposed by some that this question has been recently brought forward by private interests; but every Gentleman, who is aware of the facts, must know that this very measure of the improvement of the Shannon has been contemplated for centuries, — even so long back as when Edmund Spenser was Secretary for Ireland. In the reign of James I., the improvement of the navigation of the Shannon was also recommended. The next authority is no less than that of Lord Bacon, who, I need not remind the House, paid great attention to the affairs of Ireland. It was a suggestion of that eminent person, "that the making of navigable rivers is most profitable, inasmuch as they are so many indraughts of wealth,—but that they should not be turned to private profits. Whoso desires the improvement of his country, will encourage public works." It was in the reign of Charles I. that the first step towards the improvement of the Shannon was made. Strafford took up the case, and it was only the troubles of that period which prevented the progress of the work. Honourable Gentlemen have said that this matter ought to be left to private enterprise; but I can tell them that that course has been tried, and it failed. In 1715, a kind of company was formed, under an Act of Parliament, for the improvement of this river; but the attempt miscarried, and it was found impracticable to effect the object by means of private speculation. Therefore, in 1729, another Act was introduced, which recited the failure of any attempts that had theretofore been made through private channels to improve this river, and a small vote of public money was granted. At the time of the Union, a considerable vote was passed, applicable partially to the purpose of making the Shannon navigable to the sea. In 1818, the same question was again mooted. The question rested, untouched, from 1818 up to 1822, when a Report was made upon the subject, recommending the improvement of the river, — which, however, led to nothing effective. In 1831, when the Noble Lord the Member for North Lancashire was Secretary for Ireland, he took up the matter in earnest, and gave a commission to Colonel Burgoyne, and associated with him certain individuals, — the names of some of whom I may mention, to show that the authority is not Irish, — Mr. Mudge, Mr. Rose (recommended by Mr. Telford), and Mr. Cubitt, the English engineer. These gentlemen reported on the subject; and on the completion of their report they addressed a letter to the then Secretary for Ireland, my Right Honourable Friend, afterwards President of the Board of Control, in which they lamented that so fine a river should be suffered to remain in the state it was; and remarked that, perhaps, no part of the British dominions presented a finer opening for prospective advantages. In 1834, a select committee of this House was appointed, consisting of gentlemen of all parties, — English, Irish, and Scottish,— and comprising many whose personal experience gave great weight to their opinions. That committee concluded their Report with a recommendation that Government should undertake the work. Upon that Report being received, what was the course pursued by this House? They considered that they had not sufficient information before them; and I took the liberty of warning them, that, if they adopted any step of a definite character before they had the claims of parties, and the whole case actually before them, the effect would be, that the money would be diverted from its proper object, and be applied to objects of private advantage. Therefore, as a Minister, I declined legislating as the matter then stood. An inquiry was next instituted into the claims, and the Report was laid before the House. The principle was then laid down, that one

moiety of the sums advanced by the Treasury should be repaid. I say, then, it would be a fraud, after getting this Act of Parliament, — after violating the property of individuals for one year, — after preventing the owners of mills from working them, —if you were, now, to turn round at the eleventh hour, and tell these persons you are disposed to recede from all your past engagements. I say, Sir, that it would be an act unexampled in the history of legislation.

In the course of last Session, this Bill was introduced; it was printed, circulated, and made known; and was not proceeded with, only because the whole of the expense was not then ascertained. The whole expense is now before us, and I fearlessly ask the House to proceed with the Bill. A reference has been made to Scotland, which was a most unfortunate one. Mr. Telford stated that Scotland, through the assistance which this country had afforded to it, in the improvement of roads, bridges, &c., had advanced 100 years; and, in the evidence of a gentleman who now sits at the table of this House, — I mean Mr. Rickman, — it is stated that the condition of the peasantry has been improved by it; they are better housed, fed, and clothed; the revenue has been improved; the progress of civilisation has been very rapid; and illicit distillation has disappeared; — but the Honourable Gentleman now turns round, and says that the example of Scotland is not at all to the point, and is entirely inapplicable. I ask, are Honourable Gentlemen prepared to say to Ireland, — "True, we have voted a million of money for the Caledonian Canal, and other sums for works in Canada; we are ready to pass a vote for the building of new Houses of Parliament and for the liquidation of Danish claims; but now, when you come forward with your claims, which have been pending during three Sessions, and backed by the recommendation of the highest scientific authorities in the kingdom, and you ask us to fulfil our engagements, we turn round upon you, and say, notwithstanding our own Act of Parliament, we will not give you that which you seek, and which we have promised to grant?" I must say that a more ungenerous and discreditable course was never taken towards Ireland, than the opposition to this Bill. And, here, I must take the liberty of calling the attention of the House to a fact which occurred when the question of Irish railroads was under discussion. I remember that the Noble Lord the Member for Liverpool, in a speech made by him at that time, used words to the effect that railroads ought to be matters of private enterprise; "but," said the Noble Lord, "come forward with your plans for the improvement of the Shannon, — that is a national object, — and I am ready to support you." The Noble Lord did not speak without book on that occasion; for his constituents came forward, and, on English grounds, and for English benefit, they asked for the completion of this work. Honourable Members, who represent the manufacturing districts, well know how dependent their constituents are, for the food of their people, upon the provisions imported from Ireland; and, consequently, every step which facilitates the transmission of food, is for the benefit of Lancashire as well as Ireland. For these reasons, Sir, I trust the House will not refuse to go into committee on this Bill.

But I must, before I sit down, take this opportunity of meeting some remarks that have been made, and which relate personally to myself. It has been said that I have a personal interest in this question. I have; and I will put the House in full possession of its nature and extent. The sum proposed to be expended is 500,000*l.* and odd; and, of that sum, there is a sum of 52,137*l.*, or one tenth part of the whole, to be expended on the Lower Shannon. In that lower portion of the Shannon, which is about sixty miles in length, and is a most important part of the navigation, opening to the sea, I have a positive interest; and, for about a mile and a half, or two miles, the property is mine. It is proposed by the commissioners that a portion of the improvement should be made on that part of the shores which is my property; but nothing will be done towards the improvement of this property till I have advanced one half of the sum to be expended on it, — namely, 4000*l.* So that it will be perceived I have, personally, no great reason to be anxious for the improvement of the Shannon. I have now told the whole story with respect to myself, and I trust it will be no detriment to the vote. Considering the sum which I shall have to advance before anything is done on my property, I am sure my vote will not be influenced by the prospect of the improvement. In the larger district of the Upper Shannon, the contribution is mortgaged on the whole of the county rates, — as perfect a security as could be offered; and do not let Honourable Gentlemen think we are asking, on the part of Ireland, any great boon; for, if they will look into the Report of the Exchequer Loan Commissioners, they will find that many of the greatest public works in England never would have existed at all, had it not been for the assistance thus obtained, in their case, from the

public purse. We tender to you a plan recommended by authority of the highest character—by professional and scientific men. We ask you to give effect to your own engagement,—we show you your own Act of Parliament, promising that this should be done, on certain conditions being complied with;—they have been complied with; and we now ask you, in ratification of faith, to pass this Bill into a law. When Honourable Gentlemen speak of the state giving this assistance, it should be remembered that it is not Great Britain, alone, which gives the assistance; it is given out of the taxation of the whole empire; and is to support a public work in which the people of Great Britain, as well as of Ireland, have a direct and practical interest.

The amendment was then put.

COLONEL T. WOOD.—I would readily give my vote for money to be advanced in aid of public works in Ireland,—knowing that the expenditure of money in improvements tends towards the general benefit of the country; but I will not consent to this reckless issue of Exchequer bills. I am prepared, as far as I am concerned, to take the proper means for providing a revenue for such a purpose; but I will not consent to incur a debt, without providing the means to meet it. Exchequer bills are issued for every deficiency. There will probably be a deficiency in the revenue, from the contemplated alteration in the postage of letters, which will be so met; and I will not concur in these means of raising money. On these grounds alone, I feel it my duty to oppose the Right Honourable Gentleman,—and not from any disposition to refuse my vote to Ireland. I abstained from voting against the railroads, and, indeed, I was prepared to vote for them; but I cannot consent to plunge the country into difficulties.

The CHANCELLOR of the EXCHEQUER.—The Honourable and Gallant Gentleman must be aware that it is probable the proposed works in the Shannon may not be completed in six, seven, eight, or nine years; so that the intended expenditure will be diffused over the whole of that time. Let me add, in reference to what has fallen from the Honourable and Gallant Member (Colonel T. Wood), that the principle of issues of Exchequer bills, and to a very large amount, for the promotion of public works, is not at all a new principle. In a late period of the Government of which the late Lord Castlereagh was a member, that Noble Lord recommended an issue of Exchequer bills for carrying on public works,—not merely of 500,000*l.*, which is the limit of the grant in the present case,—but—of 7,000,000*l.*; and, so far was the country from being a loser by that issue, that it became a gainer, on the whole capital, of 370,000*l.*, independently of the advantage which it had derived from carrying on the works.

COLONEL T. WOOD.—I do not object to the improvement of Ireland; but, I repeat, I must object to any issue of Exchequer bills for public works, as long as there is a deficiency in the revenue.

Mr. O'CONNELL.—I cannot but admire the generosity of the Gallant Gentleman. The Gallant Gentleman would be glad, forsooth, to do good to Ireland; but he will vote no money. When he is asked for money to carry out his good intentions, his generosity oozes out, and becomes a mere *caput mortuum*. I would be glad if the Gallant Gentleman would keep such generosity to himself. For myself, I would prefer that the Gallant Gentleman should succeed. It would be one other proof of the disposition of this House towards Ireland—not on one side of the House, but on both sides. One side will not give any franchises or privileges, and the other will grant no money. Indeed, both join in opposing any grant. Can I forget the fact—and do you think that Ireland will forget it—that, at the time of the Union, Ireland only owed 27,000,000*l.* of debt, whilst England owed 500,000,000*l.*? and is not such an inequality of burden as great a wrong between nation and nation as between man and man? Why, what would be thought of two men entering into partnership upon such terms, and the man of the largest relative capital and smallest relative debt receiving the smallest amount of profits? When I recollect that the whole Session has gone by without one single advantage being obtained by Ireland,—when I consider that the measure of the franchise, stingily given in this House, will probably be annihilated elsewhere,—can the House think that I will go back to Ireland without telling the people of Ireland the whole truth? Why, one third of the money is our own! The House voted 130,000*l.* for the Thames Tunnel.

The CHANCELLOR of the EXCHEQUER.—270,000*l.*

Mr. O'CONNELL.—Ah! 270,000*l.*,—

more than double what I stated! Now, what advantage will the Thames Tunnel give to Ireland? how many of the Irish people will use it? Not a head of Irish cattle will pass through it, — at least, not direct from that country, — and yet the people of Ireland had to contribute their share of the grant. The vote for the Shannon will not only benefit Ireland, but contribute greatly to the advantage of England; it will make provisions cheap in Liverpool — it will make provisions cheap in Manchester. The improvement of the Shannon will bring the cattle of the Irish farmers within thirty-six hours of the Manchester market, — not the Liverpool market only, but the Manchester. That will be the benefit derived from this grant by the English manufacturing districts. Do you refuse, then, this stingy, this paltry, this miserable grant? You have thrown away millions in this country and elsewhere, and Ireland is taxed to pay the debt; yet, to this paltry sum, for a great national improvement, you object. It is a miserable amount, and I hope you will refuse it.

Mr. W. WILLIAMS. — Sir, notwithstanding the observations of the Honourable and Learned Member for Dublin, I shall give my vote against the principle of the grant. In the present state of the finances of the country, and with the discontent which prevails amongst our population from the pressure of taxation, the Government ought not to propose such grants. Honourable Members may talk of the "distress" which "prevails in Ireland;" but they should also consider the distress, and its concomitant discontent, which prevail in England. By the Bill before the House, I do not see how the proposed advance is to be repaid. The Bill provides that certain tolls shall be levied on the navigation of the Shannon; but, then, I perceive that any surplus, after defraying expenses, is to be applied by the commissioners as they shall think fit; but I see nothing about the repayment of the advance. If there were to be a remunerating profit on those tolls, it would be another thing; but there is no reason to expect anything of the kind. The outlay required in such works is always far beyond the first estimate. The first estimate of the expense of the Caledonian Canal, as made by the late Sir John Rennie, was 350,000*l.*; but that sum was expended long before its completion, and then it was asked, "Will you stop here, after the outlay already made?" Well; the work went on, until it had cost the country 1,000,000*l.*; and then it was found that the tolls were not sufficient to keep the canal in repair; and, in fact, a sum of 39,000*l.* was lately taken from the public funds of the country to make up the difference between the amount of the tolls and the cost of the repairs. So it will be in this case. The sum of 250,000*l.* will not be found sufficient. If the counties on the banks of this navigation should be benefited by the proposed plan, they ought to bear part of the cost, and the rest should be made up by a toll on the navigation. No man is more anxious than I am to support measures which would benefit Ireland; but when a large grant like the present is proposed, I cannot consent to it in the present state of the finances of the country.

The CHANCELLOR of the EXCHEQUER. — The surplus of the tolls, after the payment of expenses, is to be carried to the public account for the reduction of the debt. This, however, is a matter which will more properly come on for discussion in the committee, and I have no objection to make the clause for that object more stringent.

Mr. PLUMPTRE. — I will merely ask this question; — However desirable I may consider certain improvements to be on my estate, am I justified in carrying those improvements into effect, when my revenue is not in a condition to bear the expenditure? That is the simple question, — that is the state of the country at this juncture; and yet we are called upon to make this grant, — for it should be observed that the proposal is for a grant, and not a loan.

Mr. D. BROWNE. — I thought that the Honourable Member for Coventry belonged to that party which is called "Liberal;" but it appears that they are only liberal towards Ireland when it costs them nothing; for, when the money of England is to be voted for Ireland, they are just as great monopolists as the Honourable Gentlemen opposite. This is, in my opinion, one of the strongest arguments for the repeal of the Union; and all men who have the honour and good of Ireland at heart, ought, on that ground, to join the Honourable and Learned Member for Dublin in agitating to attain that object.

Mr. PRYME. — The Honourable Member, who has just sat down, has spoken of the liberal feelings of certain Honourable Members always stopping short whenever a grant of money is proposed for Ireland; but I never understood that liberality in

politics consisted in giving away the public money. It consists in giving the people free and good government, and franchises which they have never enjoyed before. If I considered that this was brought forward as part of a general and new principle for making grants for the public benefit, I should be content to go into committee on this Bill.

Mr. WAKLEY. — I consider that this grant would be a most improvident and improper application of the public money; but if any measure be brought forward for squandering the money of the people, it is sure to be carried.

[Cries of "Oh, oh!"]

I know, very well, that this measure will be carried.

[Cries of "Hear, hear!"]

Yes; the propositions will be carried, and the money expended. The Honourable and Learned Member for Dublin has said that, if you improve the Shannon, you then bring those who hold farms on the banks within thirty-six hours' journey of Lancashire. But what is it for? Only to convey away the food of the people of Ireland.

[Cries of "Oh, oh!"]

Honourable Gentlemen cry out "Oh, oh!" for, whenever one Member utters a sentence of truth, half the House are in agony. I say that this proposition is holding out a premium to the absentees of Ireland, who are spending their money in England and on the Continent of Europe, instead of their own country. Why do they not spend their own money in Ireland? Do we, in England, ask for money for such purposes as this? I think that, if the money were granted, the benefit that would arise to the owners of lands connected with the river would be far greater than any public profit to be derived from it. It is the principle that is so objectionable; for, if money be granted to one part of the kingdom, in such a case as this, it must be granted to other parts. Considering the state of the finances of this country, and the difficulties in which the people are placed, I must offer my strenuous opposition to this vote. It is perfectly unwarranted; and if there ever were a time when such a grant ought not to be made, it is the present. The country never was in greater distress; and as long as the House is constituted as it is now, their recklessness will not stop until such dangers arise as must intimidate them from the course they are pursuing. The proposition has nothing of common sense to recommend it, and it is calculated to destroy the spirit of all private enterprise in Ireland. I am sure that the Honourable and Learned Member for Dublin will, on reflection, be satisfied that the money could not do good to Ireland, if it were voted. Rents in Ireland ——

[Laughter, and cries of "Oh, oh!"]

—are higher than in England or Scotland.

[Cries of "Hear, hear!"]

I believe it could be proved that, at any rate, they are higher than in England; and yet, what are the wages of the labouring man? Much lower than in this country. In my opinion, the only way to correct this would be, to adopt measures to keep the landed proprietors of Ireland at home, to improve the navigation of their own rivers and cultivate their own lands.

Mr. F. FRENCH. — When it is objected to this measure, that the people of Ireland do not spend their own money in public improvements, I would say, that, had they been allowed to avail themselves of their own resources, they would not have now asked for this assistance from England; — no; not from England, but from the British empire. I see, by Returns which were made to this House in 1833, that, in a previous period of several years, 512,000*l.* had been received from Ireland on account of the Woods and Forests in that country, and which sum was legitimately applicable to such works as these; but, during those years, only 3100*l.* were expended for public improvements in Ireland.

CAPTAIN BOLDERO.—I must object to the vote. If any man were to ask for such a sum for the improvement of the Thames, Humber, or any English river, he would be laughed at. Why, then, should we give money in the one case, and refuse it in the other? The Honourable and Learned Member for Dublin has referred to the case of the Thames Tunnel, and said that 270,000*l.* has been voted for it; but I must say that that is a different thing, and is a public work which excites the admiration of all foreigners. With a failing revenue, I think this large sum ought not to be granted; and I hope that the amendment of the Honourable Member opposite will be pressed to a division.

Mr. JOHN ELLIS. — I certainly hope the Honourable Member opposite will press his amendment, which I shall cordially

support.] The Honourable and Learned Member for Dublin has taunted this side of the House with a want of liberality towards Ireland; but, by certain Returns which I moved for some time ago, and which have recently been laid on the table by the Noble Lord the Secretary for Ireland, although not yet printed, I find that, since the Union, there has been voted for Ireland no less than 8,827,141*l.* I think that is a pretty good sample of the fallacy of his imputed want of generosity on the part of England towards Ireland. I must complain of the late period at which this important Bill has been introduced; and here, also, I must again draw the attention of the House to the fact of more than one half of the maps and plans connected with this Bill not having yet been laid before the House. To me, the Bill appears, throughout, to be exceedingly obnoxious. There is to be a new board appointed, consisting of three commissioners, — one of whom is to be paid, and, no doubt, to receive a very handsome salary. But why should there be a new board? There is already the Board of Public Works in Ireland; and it is a matter of notoriety that they have not enough to occupy their time.

[Cries of "Hear, hear!"]

I am not in the habit of advancing anything lightly in this House; and if the Chancellor of the Exchequer asks me how I obtained this information, I tell the Right Honourable Gentleman, — from the highest authority, and that none could be more satisfactory. The proof of my assertion, that the time of the members of the Board of Public Works is far from being fully occupied, consists in this, — that Colonel Burgoyne, the most efficient member of that board, since his appointment to it, has filled the situation of Commissioner to the Irish Railway Inquiry, and has also acted in the commission for the improvement of the Shannon navigation. Mr. Ottley, another member of the Board of Public Works, has likewise served in the last-named commission. These are no inconsiderable duties to perform; and have not these gentlemen discharged them well, and without detriment to those previously imposed upon them? Then, who so fit as they to work out the objects of the Bill before the House? and what can furnish a stronger argument for placing the execution of the proposed improvements under the Board of Public Works, than the fact that, already, two of its members, with sufficient time to give it their attention, have the whole subject at their fingers' ends? Moreover, the heaviest part of the business has already been accomplished. All inquiries are said to have been instituted, — all claims to compensation considered and determined, — the nature of the works decided on, — the plans arranged in detail, — so that nothing remains but a simple supervision of certain works, every detail of which has already been adjusted, after minute and careful examination of the circumstances connected with it. But, instead of availing themselves of the Board of Public Works established under Lord Grey's Government, for the precise purposes named in the Bill before the House, they are recommended by the Right Honourable Gentleman to form a new board altogether, — to create extensive patronage, — with a new secretary, solicitor, engineers, a host of clerks, and a whole corps of placemen, perfectly unnecessary, and subject only to the approval of the Commissioners of the Treasury. The Bill also contains a clause for making the awards of the commissioners final. No appeal is given to a jury of the Court of Queen's Bench; nor is any other remedy provided. Such is the tyrannical way in which it is sought to trample upon the rights of private property. I am not indisposed to be liberal with the public money, advanced upon a proper basis, and sought to be appropriated in a manner calculated to develop the natural advantages of so noble a river as that of the Shannon, — to give increased facilities to commerce in Ireland, — and to stimulate a valuable mercantile intercourse between that country and great Britain; but I think it does behove the Right Honourable the Chancellor of the Exchequer to be more wary, and to become more enlightened in his views, before he submits measures such as this is for the consideration of Parliament, and bearing, as it does, upon a subject of great public import. The Right Honourable Gentleman has found himself compelled, this evening, to offer explanations, and to seek to remove a colour of suspicion which has been given to his Bill, by reason of the questionable manner in which he has framed it throughout. I caution the House to be vigilant, and to avoid hasty legislation on a question of such vast interest; and, for the reasons I have stated, I think they would do well to refuse to go into committee upon a Bill, which is not to be held in a more favourable light from having been laid before them under the significant auspices of her Majesty's Government.

AN HONOURABLE MEMBER. — The Ho-

nourable Member complains that he has not the plans of this improvement before him; but those maps and plans are upon the table, and open to him as to every other Honourable Member, if he choose to inspect them. Then, it is said that this is a profligate expenditure of the public money; but it must be recollected that half of the money advanced will be paid by Ireland, while the remainder is to be produced by the tolls on the river. We want the means of conveying the produce of Ireland to this country, and the produce of this country to Ireland. I must say that I have never heard more shabby, illiberal, or disgraceful arguments against a measure of public advantage, than those which have been addressed to the House by the Honourable Members on the other side.

Mr. ASHTON YATES. — By means of this improvement, the people of Ireland will be enabled to send their goods to the English markets, and to receive, in return, the produce of this country. This is not a measure of liberality, but of mere justice, to Ireland. The poor laws will not maintain the Irish labourer; then, it is of the utmost importance that measures of this nature, which, by increasing the commerce of the country, and increasing the means of employment, may effect that object, should meet with all favour.

The House then divided: — Ayes 64; Noes 25; — Majority 39.

AYES.

Adam, Admiral	Howick, Lord Visct.
Attwood, T.	Hume, J.
Baines, E.	Langdale, Hon. C.
Barnard, E. G.	Lushington, C.
Barry, G. S.	Lushington, Rt. Hon. S.
Berkeley, Hon. C.	Maule, Hon. F.
Bernal, R.	Morpeth, Lord Visct.
Bridgeman, H.	Nagle, Sir R.
Brotherton, J.	O'Brien, W. S.
Browne, R. D.	O'Connell, Daniel
Buller, C.	O'Connell, John
Campbell, Sir J.	O'Connell, M. J.
Clements, Lord Visct.	O'Ferrall, R. M.
Cochrane, Sir T. J.	Pechell, Captain
Codrington, Admiral	Perceval, Colonel
Cole, Lord Viscount	Pigot, D. R.
Donkin, Sir R. S.	Power, James
Dunbar, G.	Rice, Rt. Hon. T. S.
Dundas, Sir R.	Roche, W.
Evans, W.	Rolfe, Sir R. M.
Ferguson, Sir R. A.	Russell, Lord J.
French, F.	Scholefield, J.
Gisborne, T.	Smith, B.
Grattan, J.	Stuart, Lord J.
Grey, Rt. Hon. Sir C.	Stock, Dr.
Hawes, B.	Style, Sir C.
Hodgson, F.	Troubridge, Sir E. T.
Hoskins, K.	Vigors, N. A.
Howard, P. H.	Walker, R.
Williams, W. A.	Young, J.
Wood, C.	
Wood, G. W.	*Tellers.*
Wyse, T.	Baring, F.
Yates, J. A.	Parker, J.

NOES.

Aglionby, H. A.	Pakington, J. S.
Bagge, W.	Plumptre, J. P.
Boldero, H. G.	Pryme, G.
Bowes, J.	Richards, R.
Broadley, H.	Sheppard, T.
Burroughes, H. N.	Sibthorp, Colonel
Eaton, R. J.	Thornely, T.
Ellis, J.	Turner, W.
Hector, C. J.	Wakley, T.
Henniker, Lord	Wood, Colonel T.
Hutt, W.	
Inglis, Sir R. H.	*Tellers.*
Lockhart, A. M.	Finch, F.
Lowther, Hon. Colonel	Williams, W.
Morris, D.	

Main question put, and agreed to; House resolved itself into committee.

Clause 1. ("Works to be carried into effect") agreed to.

Clause 2. "Commissioners of the Treasury to appoint or more commissioners for the execution of the Act."

Upon this clause being put, —

The CHANCELLOR of the EXCHEQUER said: — I propose to fill up the blank with the word "three."

Mr. JOHN ELLIS. — I have an amendment to move, to the effect that the Commissioners of Public Works in Ireland shall execute the Act instead of commissioners appointed by the Treasury.

COLONEL SIBTHORP. — What is to be the salary of the commissioner under this Bill?

The CHANCELLOR of the EXCHEQUER. — One commissioner, only, (Major Jones), will receive a salary, the same in amount as that of a junior member of the Board of Works, — which, I believe, will not exceed 600*l.* a-year.

COLONEL PERCEVAL. — Is it intended to supersede the solicitor to the Board of Works?

The CHANCELLOR of the EXCHEQUER. — There is no such intention. This proposition does not interfere with the present formation of the Board of Works.

The question, "That the blank be filled up with the word 'three,'" was then put, and the committee divided: — Ayes 58; Noes 18; — Majority 40.

AYES.

Adam, Admiral	O'Connell, D.
Aglionby, H. A.	O'Connell, John
Baines, E.	O'Connell, M. J.
Barnard, E. G.	Pechell, Captain
Barry, G. S.	Pigot, D. R.
Berkeley, Hon. C.	Power, James
Bridgeman, H.	Pryme, G.
Brotherton, J.	Rice, Rt. Hon. T. S.
Bryan, G.	Roche, W.
Clements, Lord Visct.	Rolfe, Sir R. M.
Donkin, Sir R. S.	Russell, Lord J.
Evans, W.	Scholefield, J.
Ferguson, Sir R. A.	Stuart, Lord J.
Finch, F.	Stock, Dr.
French, F.	Style, Sir C.
Gisborne, T.	Talbot, C. R. M.
Grattan, J.	Thomson, Rt. Hn. C. P.
Grey, Rt. Hon. Sir C.	Thompson, Alderman
Hope, Hon. C.	Townley, R. G.
Hoskins, K.	Troubridge, Sir E. T.
Howard, P. H.	Vigors, N. A.
Howick, Lord Visct.	Williams, W. A.
Hume, J.	Wood, C.
Hutt, W.	Wood, G. W.
Langdale, Hon. C.	Wyse, T.
Lushington, Rt. Hn. S.	Yates, J. A.
Maule, Hon. F.	Young, J.
Morpeth, Lord Visct.	——
Morris, D.	*Tellers.*
Nagle, Sir R.	Parker, J.
O'Brien, W. S.	O'Ferrall, M.

NOES.

Archdall, M.	Parker, R. T.
Bagge, W.	Perceval, Colonel
Broadley, H.	Plumptre, J. P.
Burroughes, H. N.	Sheppard, T.
Cole, Lord Viscount	Wakley, T.
Dunbar, G.	Wood, Colonel T.
Filmer, Sir E.	——
Gore, O. J. R.	*Tellers.*
Lockhart, A. M.	Ellis, J.
Lowther, Hon. Colonel	Sibthorp, Colonel.
Mackinnon, W. A.	

The word "three" was then inserted; and the clause, as amended, agreed to.

Clause 4. ("New commissioners in case of removal or resignation") agreed to.

Clause 5. "Exchequer bills to be issued; to bear interest."

On this clause being put, —

Mr. HUME said: — Unless, Sir, the Right Honourable Gentleman the Chancellor of the Exchequer can state that only a small portion of this money will be required in this or the following year, for the works to be executed on the Shannon, it will be a most objectionable proceeding to sanction the clause authorising such a large additional issue of Exchequer bills. I cannot agree to those clauses, unless on the understanding that the issue of the bills shall be spread over a period of seven years, and that only a small portion of them will be required for one or two years. The amount of Exchequer bills already in the market is too great; and the greatest caution should be used in making any increase to them in the present state of the market.

The CHANCELLOR of the EXCHEQUER. — My Honourable Friend has anticipated an observation that I had intended to make, — namely, that the advances would only be made gradually, and as the works shall be carried on; and they will not be executed for a period of seven years. If the whole amount of 584,000*l.* to be advanced were likely to be required in a single year, I should be loth to propose the present amount of Exchequer bills for the purpose. These bills will be created and issued as they are required.

The clause was then agreed to.

Clauses 6. to 22., inclusive, were severally put, and agreed to.

Clause 23. "Awards and judgments to be enrolled."

On this clause being put, —

Mr. J. ELLIS said: — I object to the award of the commissioners being final, which will be the case if this clause be agreed to as it now stands. I shall therefore move that words be inserted, giving a power of appeal.

The CHANCELLOR of the EXCHEQUER. — I cannot agree to the amendment which the Honourable Gentleman has proposed. The awards are already made; and if the proposal of the Honourable Member were adopted, the whole question of compensation would again be opened.

Mr. HUME.—I am sure, if the Honourable Member for Newry had been aware of what took place with respect to the Caledonian Canal in regard to compensation, he would not wish for such an alteration as he has suggested. In that case, 20*l.* and 12*l.* an acre was given as compensation for land that was not worth 10*s.* before the Act passed.

Mr. J. ELLIS. — Surely you would not defend the principle that a person should come and take my property at his own valuation, and that I should have no remedy?

Mr. O'CONNELL. — As the parties themselves do not complain of the awards that have been made, I do not think there is any occasion to interfere.

The clause was then agreed to.

The remaining clauses of the Bill were then severally put, and agreed to.

The CHANCELLOR of the EXCHEQUER. — I have a new clause to submit, the object of which is merely to give power to the collector of tolls to weigh and measure goods in case of dispute.

Clause brought up, read, and ordered to stand part of the Bill.

Mr. O'CONNELL.—I have a clause to propose, to the effect that, three months after the passing of this Act, all contracts entered into shall be void, unless renewed by the commissioners under this Act. The object is, to relieve the Grand Canal Company from the liability which they are now under by virtue of certain contracts which have been entered into.

The CHANCELLOR of the EXCHEQUER. — This is, undoubtedly, a case that deserves consideration; but I do not think the clause proposed by the Honourable and Learned Member would be the best mode of meeting the difficulty. That clause goes far beyond the particular case which it is intended to meet, and would give rise to new difficulties, and occasion many disputes. The provision I would suggest, to meet this case, is this, — that, if either party should suffer loss by the contract during the three years, the question should be referred to the commissioners, whose award should be final. I am willing to prepare such a clause, and have it printed, and brought up on the Report, in order to give the parties time to consider it.

Mr. O'CONNELL. — I am perfectly satisfied with the course suggested by the Right Honourable Gentleman. My object is only to extend this protection to the Grand Canal Company.

House resumed; Bill to be reported on Monday next.

ASSESSED TAXES COMPOSITION BILL.

Considered in committee; to be reported to-morrow.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

Reported.

Upon the question, "That this Bill be read a third time on Friday next," —

Mr. AGLIONBY said: — I beg to submit the clause of which I gave notice on Monday; the object of which is, to protect the lessees from the hardship which would arise if their leases were not renewed. I wish to submit the clause to the Government, as to any technical alteration that may be necessary; — that is, if they concede the principle.

Clause brought up, and read, and added to the Bill.

Question agreed to; Bill to be reported on Friday.

METROPOLIS POLICE BILL.

On the motion of Mr. FOX MAULE, the Order of the Day for the third reading, read.

Upon the question being put, "That the Bill be now read a third time," —

COLONEL T. WOOD said: — It was understood that this Bill should be delayed until the Metropolitan Police Courts Bill had gone through committee; and, as amendments will be necessary in this Bill, in case certain provisions should be continued in that, I shall divide the House on the question of the third reading off the present Bill.

Mr. FOX MAULE. — Although there certainly is a connection between the two measures, still it is not so close as to make this Bill inoperative in case the other, to which the Honourable and Gallant Member alludes, should not pass into a law. The present Bill has already been too long delayed; and as it has been fully discussed for fifteen hours in committee, I trust the Honourable and Gallant Member will not persist in his opposition.

COLONEL SIBTHORP.—I, Sir, shall oppose the third reading of this Bill.

Though the Bill has been amended in committee, still I entertain the opinion I have before expressed, that a more obnoxious and oppressive measure was never introduced to Parliament.

Mr. WAKLEY. — I have opposed this Bill as much as I possibly could; but, as it has undergone several valuable amendments in committee, which I trust will be conducive to its well working, I am not prepared to resist the motion for the third reading.

The House then divided: — Ayes 42; Noes 2; — Majority 40.

AYES.

Adam, Admiral	O'Connell, John
Aglionby, H. A.	O'Connell, M. J.
Baines, E.	Palmerston, Lord Vt.
Baring, F. T.	Pechell, Captain
Bernal, R.	Pigot, D. R.
Bridgeman, H.	Plumptre, J. P.
Broadley, H.	Power, James
Brotherton, J.	Pryme, G.
Burroughes, H. N.	Rice, Rt. Hon. T. S.
Clements, Lord Visct.	Roche, W.
Evans, W.	Rolfe, Sir R. M.
Ferguson, Sir R. A.	Rutherfurd, Rt. Hn. A.
Finch, F.	Smith, R. V.
Gisborne, T.	Stock, Dr.
Grey, Rt. Hon. Sir G.	Style, Sir C.
Hawes, B.	Talbot, C. R. M.
Howard, Sir R.	Wakley, T.
Hume, J.	Wood, C.
Irton, S.	Yates, J. A.
Langdale, Hon. C.	
Morpeth, Lord Visct.	*Tellers.*
O'Brien, W. S.	Maule, Hon. Fox
O'Connell, Daniel	Parker, J.

NOES.

Knightley, Sir C.	*Tellers.*
Parker, R. T.	Sibthorp, Colonel
	Wood, Colonel T.

The Bill was then read a third time.

Mr. FOX MAULE. — I have a clause to bring up, the object of which is to give to the police constables a discretionary power to take into custody persons guilty of aggravated assaults, though the assaults may not have been committed in the view of the constable.

Clause brought up, and read.

Upon the question being put, "That this clause be added to the Bill, —

COLONEL T. WOOD said: — I think it is a most unfair course to bring up a clause, involving, as this does, an infringement upon the liberty of the subject, at such a time as this, when it is impossible that it can be properly discussed.

Mr. HAWES. — This clause was made a matter of special recommendation by the committee. It has long been a subject of complaint, in all parts of the metropolis, and by the police magistrates, that a person severely assaulted in the streets could not give the offender into custody, except by warrant, if the police constable was not an eye-witness of the assault. I hope the clause will be allowed to pass.

COLONEL SIBTHORP. — I hope my Honourable and Gallant Friend (Colonel T. Wood) will not divide the House against the clause. At the same time, I must say that it is a most objectionable practice to bring up important clauses at the last stage of a Bill, without having them previously printed and placed in the hands of Honourable Members.

Mr. WAKLEY. — I will mention one case, of very recent occurrence, to show the absolute necessity of such a provision. Some carpenters were walking in a public street in this metropolis, on their way home from their work, when they were met and assaulted by some young men in the garb of gentlemen. One of the carpenters was knocked down, and a large stone thrown at his chest, which nearly killed him on the spot. Two police constables came up; but, although the man lay bleeding on the ground, they, not having seen the assault committed, could not take the parties into custody, and they escaped justice.

The clause was then agreed to, and added to the Bill.

Mr. WAKLEY. — I have a clause to submit, which I hope will not be objected to. It is to enable the police constables to take into custody children who may be found riding behind carriages without the driver's consent. There is not a more fruitful source of accidents and loss of life than this practice; and I am informed that there are no less than thirty inquests every year, arising from this cause alone.

Clause brought up, read, and ordered to stand part of the Bill.

The Bill was then passed.

SLAVE TRADE (PORTUGAL) BILL.

Considered in committee; to be reported to-morrow.

CONSTABULARY FORCE (IRELAND) BILL. — HIGHWAYS BILL.—EMBANKMENTS (IRELAND) BILL.

Second readings severally deferred till to-morrow.

REGISTRATION COURT OF APPEAL BILL.

Committee deferred till to-morrow.

ADMIRALTY COURTS BILL.—SUPPLY.—WAYS AND MEANS. — METROPOLITAN POLICE COURTS BILL.

Committees severally deferred till Friday.

FINES AND PENALTIES (IRELAND) BILL.

Second reading deferred till Friday.

FACTORIES BILL.

Committee deferred till Saturday.

SALE OF BEER BILL.—PUBLIC WORKS (IRELAND) BILL.

Committees deferred till Monday next.

COUNTY COURTS (ADVANCE OF MONEY).

Resolution reported: — "That there shall be issued out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sums as may be necessary to make good any deficiency in the general fee fund of the county courts which may be established by virtue of any Act of the present Session, for improving county courts."

Resolution agreed to.

ADMIRALTY COURT (ADVANCE OF MONEY).

In committee.

Resolved, "That there shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sum, for the salary and retired allowance of the Judge of the High Court of Admiralty, and to make good the deficiency of the fee fund of the said court, as shall be directed by an Act to be passed in the present Session of Parliament."

Resolution to be reported this day

EXCISE LICENCES (SALE OF SPIRIT LICENCES).

In committee.

Resolved, "That an Excise duty of 5*l.* shall be paid by every licensed dealer in spirits, for an additional licence to sell by retail, in quantities not less than one reputed quart bottle, foreign spirits and liqueurs, not to be drunk on the premises."

Resolution to be reported this day.

JUDGES' LODGINGS.

On the motion of the SOLICITOR GENERAL, Bill, "to authorise the purchase or building of Lodgings for the Judges of Assize on their Circuits," ordered to be brought in by Mr. SOLICITOR GENERAL and SIR WILLIAM HEATHCOTE.

GRAND JURY CESS (IRELAND).

On the motion of Mr. PIGOTT, Bill, "to provide for the Applotment and Levy of Grand Jury Cess in certain Cases in Ireland," ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

TURNPIKE TOLLS.

On the motion of CAPTAIN PECHELL, Bill, "to authorise the Trustees of Turnpike Roads to reduce the Scale of Tolls payable for Overweight," ordered to be brought in by CAPTAIN PECHELL and the EARL of SURREY.

The above Bills were severally presented; read a first time; and ordered to be read a second time on Friday, and to be printed.

SALE OF SPIRITS (IRELAND).

On the motion of Mr. O'CONNELL, Bill, "to repeal so much of an Act of the sixth and seventh Year of King William the Fourth, as prohibits the holding of Licences for the Sale of Spirits by Retail, by Grocers in Ireland," ordered to be

brought in by Mr. O'CONNELL and Mr. EMERSON TENNENT.

Bill subsequently presented, and read a first time; to be read a second time on Wednesday next, and to be printed.

METROPOLIS IMPROVEMENTS.

Bill, "to empower the Commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to raise a Sum of Money for making additional Thoroughfares in the Metropolis," presented, and read a first time; to be read a second time on Monday next, and to be printed.

RETURNS, &c.

Glass. — On the motion of Mr. F. BARING, Return ordered —

Of the amount of duty charged and drawback paid on each description of glass in England, distinguishing the quantities and the weight, rate of duty and of drawback, and the amount, in each year ending the 5th day of January, from 1814 to 1839, both inclusive:

Similar Return for Scotland:

Similar Return for Ireland:

Return of the amount of drawback or allowance on glass for building churches, &c., in each year, ending the 5th day of January, from 1814 to 1839, inclusive:

Return of the amount of drawback, and the weight of each kind of glass, except bottles, exported to Ireland, from 1813 to the time the drawback ceased, distinguishing the amount in each year ending the 5th day of January, the rate of drawback allowed on each kind, and, in crown glass, the quantities exported in whole or half tables, from those cut into panes or squares.

Returns presented accordingly. — To lie on the table, and to be printed.

Church Rates, &c. (Lambeth). — On the motion of Mr. HAWES, Annual account ordered —

Of the receipt and expenditure of all rates made, and of all fees and pew-rents received and charged, in the parish of Lambeth, and in each district of the parish respectively, for ecclesiastical purposes, from 1828 to the present time; the Return to distinguish the gross and net amount of each rate and of the pew-rents; and, also, the nature of the fees, and their application.

Carlow Borough Election Committee. — Minutes of evidence and proceedings.

Handloom Weavers. — Return.

Iron, &c. — Account.

Sugar. — Return.

Printed Papers. — Return.

Glass. — Return.

(Severally presented 15th of July).— To be printed.

BELFAST WATER (No. 1.) BILL.

House informed, That James M'Cleery and William Radcliffe attended the committee this morning. — Order for their attendance on the House discharged.

Adjourned at a quarter after one o'clock.

HOUSE OF LORDS, JOVIS, 18° DIE JULII, 1839.

APPEALS.

Barry (pauper) *v.* Waddell. — Further and fully heard, and consideration adjourned to Monday next.

Wilson *v.* Tait. — In part heard, and adjourned to Monday next.

Stewart *v.* Gloag. — Adjourned to Monday next.

Munro (or Ross) *v.* Paul. — To be heard on Monday next.

Pearson *v.* Casamajor, *et è contra.* — Considered; and interlocutors in the original appeal affirmed; and interlocutors in the cross appeal varied, with a declaration.

Tennant and Company *v.* Hamilton (pauper). — To be heard on Thursday next.

WEGUELIN'S DIVORCE BILL.

Returned from the Commons, agreed to; and the evidence taken before this House (communicated to the Commons on Thursday last) returned.

EARL OF STAMFORD AND WARRINGTON'S ESTATE BILL.

Returned from the Commons, agreed to.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

PONTEFRACT HONOR COURT BILL.

Read a third time, with the amendment; Bill passed, and sent to the Commons.

NORWICH IMPROVEMENT BILL.

Petitions praying to be heard by counsel against the alteration of certain clauses, — of the mayor, aldermen, and burgesses of the city and borough of Norwich, in council assembled; and of ratepayers and inhabitants of the city of Norwich.

Also, petitions praying to be heard by counsel against the Bill, — of Richard Coaks, of Norwich, timber merchant; and of mortgagees under certain Acts for paving and lighting the city of Norwich. — Read, and referred to the committee on the Bill.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

A witness ordered to attend.

LONDON BRIDGE APPROACHES BILL.

Petition in favour of, — of inhabitants of the parishes of St. Margaret, Lothbury, and St. Bartholomew by the Exchange, in the city of London. — Read, and referred to the select committee on the Bill.

NORWICH IMPROVEMENT BILL.

Report made from the committee, —

That the committee have met, and considered the said Bill; and in the first place proceeded to inquire how far the Standing Orders of the House, relating to Bills for the improvement of cities and towns, have been complied with on this Bill, and have found that notices of the Bill have been inserted in the county newspapers and in the *London Gazette*, and have been affixed on the church doors of the several parishes affected by the Bill, within the period limited by the Standing Orders; but the committee found that such notices did not contain any mention of the intention of taking power for lighting and improving certain parts of the town of Norwich, within the county of the city of Norwich, without the consent of the owners and occupiers of such district; and that powers for that purpose are proposed to be taken by the present Bill:

The committee further found, that powers for the compulsory purchase of houses and lands

are contained in the Bill, and that no application has been made to the owners, lessees, and occupiers of such houses and lands, as is required by the Standing Orders:

Under these circumstances, the committee were of opinion, that it would be necessary to strike out of the Bill all the provisions contained therein for the purpose of lighting and improving the parts of the town of Norwich within the county of the city of Norwich, without the consent of the owners and occupiers thereof, and for the compulsory purchase of houses and lands:

Upon such opinions being intimated, certain petitions were presented to the House, praying to be heard by counsel against the Bill, and against the proposed alterations:

The committee have, therefore, thought it right to direct the Bill to be reported to your Lordships in its present state, and recommend your Lordships to refer the said Bill to the Standing Orders Committee as an opposed Private Bill.

Which Report, being read, was, togegether with the Bill, referred to the Standing Orders Committee; the committee to meet on Tuesday next.

METROPOLIS POLICE BILL.

Brought from the Commons; read a first time; to be printed; and to be read a second time on Monday next, and the Lords summoned.

HIGHWAYS AND TURNPIKE ROADS RETURNS BILL.

Read a second time (according to Order), and committed to a committee of the whole House to-morrow.

TURNPIKE ACTS CONTINUANCE BILL.

House in committee (according to Order); Bill reported, without amendment; an amendment made; and Bill to be read a third time to-morrow.

POSTAGE.

The MARQUESS of BUTE, LORD ASHBURTON, LORD SEGRAVE, and EARL STANHOPE presented petitions for reduction of the rate of, — of the minister and inhabitants of Hinton Charterhouse: of the mayor, aldermen, and burgesses of the city of Exeter: of persons employed in the establishment of Messrs. Pearce and Countze, coachmakers, 103. Long Acre, London: of inhabitants of Stoke Canon; Brinscombe Port, Stroud; Minchin Hampton; Taunton; High Street, Kensington; and Swansea: and of persons signing. — Read, and ordered to lie on the table.

Also, a petition of the inhabitants of Exeter. — Read, and ordered to be received as the petition of Edward Macgowan (mayor), who, only, has signed it.

SCOTCH CHURCH.

The MARQUESS of BUTE presented a petition in favour of the principle of non-intrusion, — of inhabitants of Glasgow. — Read, and ordered to be received as the petition of Henry Dunlop (lord provost and chairman), who, only, has signed it.

INDEMNITY BILL. — SOAP DUTIES DRAWBACK BILL.

Read a second time (according to Order), and committed to a committee of the whole House to-morrow.

SABBATH.

The MARQUESS of BUTE presented a petition for the better observance of, — of ministers and elders of the presbytery of Dumbarton. — Read, and ordered to lie on the table.

IMPRISONMENT FOR DEBT ACT AMENDMENT ACT.

EARL STANHOPE presented a petition for the insertion of a clause for the better relief of a certain class of prisoners confined for debt, — of prisoners confined in the Queen's Bench. — Read, and ordered to lie on the table.

SCOTCH CHURCH.

The MARQUESS of BUTE presented a petition for the further endowment of, — of inhabitants of Saddell and Skipness. — Read, and ordered to lie on the table.

HALIFAX, HUDDERSFIELD, &c. SMALL DEBTS BILL.

LORD WHARNCLIFFE presented a petition in favour of, — of persons deputed by the commissioners of the different districts of the Court of Requests established in the several parishes of Halifax, Bradford, Keighley, Bingley, Guiseley, Calverley, Batley, Birstall, Mirfield, Hartishead cum Clifton, Almondbury, Kirk-

heaton, Kirkburton, and Huddersfield, and the lordship or liberty of Tonge. — Read, and ordered to lie on the table.

CIRCASSIA.

LORD LYNDHURST. — I beg leave to present a petition from 800 of the principal merchants, bankers, and manufacturers of Glasgow, stating that it is a matter of great importance to British commerce, that our ships should have the power of navigating the Black Sea; but that, in consequence of the blockade of 800 miles of the Circassian coast on that sea, by the Russians, British trade suffers greatly. The petitioners, therefore, pray your Lordships to take the subject into consideration, and provide a remedy.

Read, and ordered to lie on the table.

LA TRAPPE.

EARL STANHOPE. — My Lords, I hold in my hand a petition to which I wish to call the attention of your Lordships, and more particularly of the Noble Viscount at the head of her Majesty's Government. The petition is from 72 members of the brotherhood of La Trappe, who are British subjects, and who, some years since, established a monastery at Mount Meillerie, in Ireland. They state, that, by an agreement with the French Government, they settled at Mont Melleraie, in France, from which country they were violently removed; and that they suffered, in consequence of that removal, much loss of property. The petitioners pray that the correspondence which has taken place between the British Government and the Government of France, relative to their claims, may be laid upon the table of the House; that your Lordships will take that correspondence into your consideration, and adopt such measures as you may deem fit for obtaining payment from the French Government of the considerable sum to which the petitioners consider themselves entitled. I beg to ask the Noble Viscount whether there is any objection to the production of this correspondence?

VISCOUNT MELBOURNE. — My Noble Friend has incorrectly described the petitioners. I believe that they were originally settled at Lowther; and, in consequence of an arrangement with the Government of France, in 1817, they left the country, and passed over to La Meillerie, in Brittany, where they settled. Soon after the revolution, by which the present dynasty was seated on the throne of France, — namely, early in 1831, — it was wished, by the Legislature of that country, that certain monastic institutions should be abolished; and the convent referred to came under the description. The inmates accordingly left it, and are now settled in the South of Ireland. Their claims have been already referred to Sir H. Jenner, who has given it as his opinion, that the proceedings of the French Government were in accordance with the law of France, — that no unnecessary violence has been used, — and that there is no ground for any claim for compensation by the British Government on the French Government, so far as these persons are concerned. With respect to the documents alluded to by the Noble Earl, I am not aware that there is any objection to their production; but, as there may be passages in them which would not be fit for publication, I would suggest to the Noble Earl the propriety of moving for copies or extracts of the correspondence. I apprehend that there cannot be a question that the Government of this country has no ground for interference in the matter, or for making any demand on the Government of France. The correspondence, I understand, is exceedingly voluminous; and I fear its production will answer no good purpose.

EARL STANHOPE. — I beg to ask whether the Noble Viscount has any objection to lay the opinion of Sir H. Jenner on the table?

VISCOUNT MELBOURNE. — Certainly. Such a course would be exceedingly unusual.

Read, and ordered to lie on the table.

RIOTS AT BIRMINGHAM.

LORD BROUGHAM. — My Lords, I am about to allude to a subject of very great importance, growing out of a petition I have to present, and to which I have to solicit your Lordships' attention, — because it involves conduct the most shameful I ever heard of; — such as reflects the greatest disgrace on all the parties connected with it; — and is, at the same time, the most discreditable I can conceive to any Government. Having been one who has always contended for the rights of the people, when they assemble to petition or remonstrate against the acts of a Government, I deem it to be the more my indispensable duty to state

what I consider to have been the very worst course which men could take to promote the object they must have had in view, — namely, the preservation of the public peace; — for their conduct has been such as must have compromised the public peace. I hold in my hand two petitions; the first does not so immediately refer to this object as the second. Now this is the petition of William Lovett, of No. 6. Upper North Place, Gray's Inn Road, London, and John Collins, No. 6. Court Bread Street, Birmingham; and it contains a statement of facts, to which I wish to call the attention of your Lordships, — and more particularly that of my Noble Friend near me. It appears that the petitioners were, on the 6th of the present month, apprehended at Birmingham, being charged with the publication of a libel on the Government, which tended to produce a breach of the peace. I have read the alleged libel, but will give no opinion on it, and it would be very improper in me to do so; suffice it to say, that the language used in it is so strong that I see no objection to the course adopted, in putting the persons implicated upon their trial. That statement will show that I am not prejudiced in favour of the prisoners. Let your Lordships now see how the petitioners have been treated. They state that, on their arrest, they were taken to the Public Office, and brought before the magistrates; and that they were confined till the morning of the 7th, when bail was offered. They say that the amount of bail required was 1000*l.*, — 500*l.* for each of the petitioners, — and they complain of this as exorbitant, seeing that they are only working men. The bail offered, not having been deemed sufficient, they allege that they were sent to Warwick gaol, where they were stripped stark naked, and, in that state, examined, in order to discover whether there were any marks upon their bodies, — an indignity which they emphatically remonstrated against. If Sir Francis Burdett, who was prosecuted, tried, and convicted of the same offence as the petitioners, had been incarcerated by warrant of the Birmingham justices, and carried to the gaol of Warwick, the treatment to which the petitioners have been subjected must, of course, have been the lot of Sir Francis Burdett. I hardly could believe the statements in the petition, when I first read them; but the respectable person who applied to me to present the petition, himself, examined the petitioners, — and no one is more qualified to make such an examination; — and it was upon the investigation which was thus made, that this statement of these extraordinary proceedings is founded. They were then taken into a room in which there were not less than twenty-eight prisoners, some of them committed for felony, where they were ordered to strip themselves, — and they were compelled to bathe in the same cistern of water with those prisoners, and to use the same towels. The petitioners state that a common felon was then ordered to crop off their hair, — an indignity to which they were compelled to submit. I am extremely mortified to perceive that such a statement as this should produce, in any part of the House, tokens of merriment. I deem the fact to be disgraceful to the House, and I am almost ashamed to belong to an assembly where any man can hear of these indignities being offered to a fellow creature, and consider them to be a fit subject for merriment. The petitioners also state that their shirts were taken from them, and marked with the initial letters of their names, in characters almost an inch in length, in indelible ink. They were then put into a ward in which there were several other prisoners, one of whom was afflicted with the itch, — and they were daily examined by the doctor, to see whether they had taken it. They were also obliged to exhibit themselves to all the persons who came to see the gaol. They were put on the common gaol allowance, which was a small loaf weighing 1½lb., with a pint of oatmeal gruel; and, for dinner, two ounces of cheese, except on Sundays and Wednesdays, when they were served with soup, which was not such as they could eat. In addition to the common gaol allowance, they were permitted to have 3*d.* a-day, and no more, to purchase butter, eggs, and bacon; but they were not allowed to have any fire for the purposes of cooking, — and they were, therefore, obliged to eat the eggs and bacon raw. They were also compelled to make their own beds; and, in doing so, they were forced to roll up the mattress in a close and compact form, so that it was impervious to the air, and when unrolled the scent was most offensive. Their watches, money, and everything else in their possession, when they entered the prison, were taken away from them; and they were not allowed to communicate with their friends but for a few minutes during each day. The petitioners, at the same time, beg to be understood as making no complaint of the personal conduct of the gaoler, Mr. Edmonds; but, having been treated as convict felons before trial, they pray the House to take into consideration such conduct, as being treatment which no English subject should have to submit to,

pending an inquiry into the sufficiency of his bail. The petitioners were detained in gaol eleven days, on the ground that sufficient bail had not been offered; although they urged that, in their rank of life, — that of journeymen, — it was difficult to find bail, in a place where they were not known. But the bail which they offered is stated to have been sufficient; and when two persons, one of whom was a Member of Parliament, sent down to bail them, it was discovered that the bail which they had offered, in the first instance, was really sufficient, — and it was, then, immediately accepted by the justices who had before rejected it. How was it that the sufficiency was not inquired into during the eleven days for which they were in prison?

This is the statement contained in the petition; and if anything be more clear than another, it is this, — that if a man be charged, not merely with libel, but with felony, or with murder, we have no right whatever, according to all legal principles, as recognised by all nations, to do more in detaining him than be may absolutely necessary for his safe custody. But here are men who have had their hair cut, and their persons exposed to every species of indignity, — drawn up in the common yard, in company with felons, — and compelled to stand with their hats off while visitors are inspecting the prison, — when it is not certain that the grand jury will find a bill against them, —when, if the bill be found, it is not certain that they will be convicted, — and, even if they be convicted, whether they will be called upon to pay more than a shilling damages. I have read what is called the libel in this case; but hardly a day passes that I do not see a ten thousand times worse libel in the newspapers, — and yet Government never prosecute their authors. How, then, is a poor man to know when he offends against the law, if he see, every day, worse libels than he ever penned, published — with impunity? These poor men were treated like convicted felons when in prison. And how did they go out of prison? Fit for what? Fit for becoming peaceable, loyal, and faithful servants of the Crown, likely to respect the magistracy, and to counsel peaceable conduct to others? Is it probable that such would be the behaviour of men who had been obliged to herd with common felons, and for nothing, — for I have a right to say "for nothing," when they had never been tried, never even been prosecuted; and when it is very likely that they never will be prosecuted, or, if prosecuted, that they will not be convicted. If that be so in this case, and if a little too much rigour has been shown here, it is perfectly consistent with the course which has been taken upon this occasion, that those who have gone too far in this case, should have been a little too supine in another. I have generally found that this disposition to extremes on the one side, is followed by a want of judgment, nerve, and firmness, on the other — when the most disastrous consequences must ensue from such want of those necessary qualities.

I have another petition, which it may be convenient to present at the same time, complaining of the conduct of these magistrates two days before. The petition proceeds from an individual calling himself the chairman of the Working Men's Association in Birmingham; and, of course, according to the forms of your Lordships' House, it can only be received as the petition of the individual by whom it is signed. The petition states, that, on the 4th of July, while a number of persons were assembled in the Bull-ring, in the town of Birmingham, listening to the reading of a newspaper, an attack was made upon them by the police; and that men, women, and children were brutally beaten and outraged. I have made no inquiry into the allegations of this petition, and I will, therefore, not dwell upon them. Too much, however, cannot be said in reprobation of those who, instead of being at what they call their posts in the hour of danger, skulked in the dark, and left the consequences to the dupes of their machinations. One single act, such as that which recently disgraced Birmingham, is more calculated to throw back reform, and to restore oppression, than all that a despotic Government could ever hope to accomplish. I often recollect the saying of my great and gallant friend, now deceased, Lord St. Vincent, who used to remark that no error was more fatal than theirs, who, from misplaced humanity, which is often called timidity, abstained from taking immediate and vigorous measures to preserve the public peace. It is not humanity, it is cruelty to the victims themselves, only to threaten, when the magistrates are called upon to act. I, however, do not mean to impute anything more than error in judgment to the magistrates of Birmingham, and perhaps a mistaken feeling of humanity; but, however amiable that feeling may be in private life, and however venial that error in judgment may be, still, when a man steps into public life, he ought to brace up his nerves and act with decision.

The EARL of WARWICK. — I hope

to be allowed some portion of your Lordships' indulgence while I occupy your attention for a very short time, as my conduct has been taken notice of as having been improper—in that I have not sought for correct information on the subject of these disturbances from her Majesty's Government. It has been stated—or, at least, insinuations have been thrown out—that, in the official situation which I hold, I have not done my duty—and that I have not given that support in the county to her Majesty's Government which I ought to have afforded. I am perfectly satisfied that I need not call on any Noble Lord for corroboration, when I state that such is not the fact. The Noble Viscount opposite knows, very well, that when he filled the office of Home Secretary, I stated everything to him, from time to time, that I thought could be of service. I never allowed myself, in the exercise of the duties of my situation, to be swayed by political feelings. I shall confine the expression and the influence of those feelings to the place in which I now stand; and I can only say that, in the appointment of magistrates, or in anything else, I can look from one end of the county to the other, and declare that politics have had nothing to do with the execution of my duty as lord lieutenant. The imputations to which I refer, have been thrown out in another place, since I addressed your Lordships; and, the Noble Viscount opposite can vouch, that, in addressing the observations which fell from me upon that occasion, I offered not to say one word, if it would interfere with any arrangements which her Majesty's Government might wish to make. I feel that it would not, perhaps, be becoming, if I were to go into any further statement with respect to the unfortunate occurrences which have happened, because it is understood that there will be an investigation,—and I hope that it will prove satisfactory. If my information, however, be true, — and I have not the slightest doubt that it is so, — no magistrate was present in Birmingham till the houses were all burnt. I do not mean to attribute blame to the magistrates; but your Lordships know full well that blame must be due somewhere; and all I want to know is, where it rests? I have been found fault with for saying that the Birmingham magistrates were, many of them, members of the Political Union, and that there was only a shade of difference between the Political Unionists and the Chartists. Why, some of those very magistrates were accustomed, only a short time since, to walk arm in arm with the men now in gaol! These Political Unionists have been taught that, some time or other, force must be used before the people can obtain their rights. It is not to be expected, that when magistrates, who have gone as near the wind, in treason, as they possibly can, appear to wish for order, they will be obeyed. The Honourable Member for Birmingham now says that he is no agitator. I do not know what agitation means, if the Honourable Member's addresses for the last eight or ten years have not meant it; and I must say, that what has happened, has been created by the encouragement given to this description of persons. Parties have used these individuals as their handmen; and they have appointed, as secretary to the Municipal Corporation Commission, a certain person, of the name of "Joseph Parkes," who has, himself, belonged to the Political Union. I understand that a Return of the magistrates of Birmingham, Manchester, and Bolton has been moved for in the other House, and I shall certainly move for a Return, also, of the magistrates of Coventry and other towns in Warwick, which will show that the Government have been influenced by the same motives in the appointment of all these magistrates. In consequence of the riots at Birmingham, a memorial has been forwarded by the inhabitants of that town to the Secretary of State for the Home Department. This memorial is to the following effect:—

We, the undersigned inhabitants of the borough of Birmingham, and chiefly resident or having property in High Street and the Bullring, in the said borough, beg to represent to your Lordship, that, from about half past eight to a quarter to ten o'clock last night, Monday, the 15th of July, the property and lives of your memorialists were left, unprotected, to the violence of an organised mob, although full and authenticated information had been early given to the mayor and magistrates of the borough, of the intentions and plans of the rioters. Your memorialists, therefore, feeling that the mayor and magistrates have been guilty of a gross dereliction of their duty, request your Lordship forthwith to institute such proceedings as are necessary for bringing them to trial for their misconduct; and that you will, in the mean time, suspend them from any further control or interference in protecting the lives of your memorialists and their fellow townsmen, and in preserving the peace of the borough.

I conceive that such a memorial will induce the Government to institute an inquiry on the subject; and if they really intend to do so, I will not, at the present moment, enter into any detail of the circumstances which occurred at Birmingham during the time that that town was exposed to outrage. It seems, however, that the magistrates were not at their posts. I am informed that the bellman went round the town in the morning to

summon a Chartist meeting, and that he was surrounded by bludgeon men. The meeting was adjourned from the middle of the day until the night; and I am also informed that letters were sent to the magistrates over and over again stating what was going forward. It has been declared, in another place, that the appointments of the magistrates of Birmingham were made in a most liberal way; and it was further siad, that I wrote a letter on the subject to the Home Office. Now, I happen to know what sort of persons the magistrates of Birmingham are, and I should just like to acquaint the House with the facts of the case. As soon as the town council sent in their list of magistrates for the town, among whom there was only one solitary Conservative, another application was forwarded to the Home Office, with respect to which I was requested to make a certain representation to the Home Secretary. I complied with the request, because I knew the parties recommended in that list to be respectable, and because I believe that, taking it all in all, a fairer list was never sent to the Home Office. But it was alleged in another place, that an equally fair list was ultimately approved of. Now, let your Lordships consider whether this was really the case. Of the old magistrates of Birmingham, ten were retained out of twenty-two; and out of these ten, four were Conservatives. To these were added thirteen new magistrates, all of whom belonged to that description of men connected with political associations. Thus there were nineteen magistrates of one party, and only four of the other; and yet this is called a fair and liberal constitution of the magistracy! I am given to understand that the damage done at Birmingham amounts to 40,000*l.*, which the county will have to make good; though I believe that no county magistrate has concurrent jurisdiction with the town magistrates of Birmingham. This is a very hard case for the county; and I think the loss ought to fall on the Birmingham magistrates, — who, indeed, ought never to have been appointed to the situations they now fill.

VISCOUNT MELBOURNE. — I feel myself called upon to say a few words on the subject of this petition, and on what has fallen from the Noble Earl who has just sat down. In the first place, it must be perfectly evident that it is impossible for me either to contradict, deny, or to give any explanation of, the statements contained in the petition; though I might have been enabled, if the Noble and Learned Lord had informed me of the substance of those statements, to have learned how far they were correct. The petition comes from two individuals, who were committed to prison, in default of bail, on a charge of libel, and who complain of the treatment they received in gaol, — which certainly appears to have been extremely hard and severe. With respect to the libel itself, the Noble and Learned Lord has acknowledged that it is a violent and dangerous libel.

LORD BROUGHAM. — No, no!

VISCOUNT MELBOURNE. — He, at any rate, has admitted it to be a violent writing; and added, that he had seen equally violent writings in the London newspapers, of which no notice had been taken either by the Government or any other person. The Noble and Learned Lord ought, however, to make some allowance for the different state of society here and at Birmingham. It may well happen that libels should be passed over in times of quiet, peace, and tranquillity; but there is not only a greater disposition, but a greater justification, to prosecute in times of violence and danger. Whether the magistrates demanded too large a sum for the bail of the two petitioners, — whether they did not use due diligence in inquiring respecting the bail, — and whether they kept the men too long in a house of confinement, — are questions as to matters of fact, which it is for the magistrates themselves to answer. But it is not too much to ask of the House, to come to the consideration of the subject calmly and deliberately, and not to be led away by *ex parte* statements against individuals who are attacked, but have not yet had an opportunity of being heard in their defence. With respect to what these petitioners state that they have suffered in gaol, I cannot say whether their treatment was contrary to the regulations of the gaol, or whether it was improperly visited on them. It certainly appears to me to have been very hard; but the gaol regulations, according to modern practice, are very severe, and even bordering on injustice. As to the observation, that Sir Francis Burdett would have been obliged to submit to this treatment, if he had been committed in Warwickshire on the charge of libel, on which he was convicted in Leicestershire, — I can only say, that the equalisation of punishment, as regards rich and poor, has been the great object of our modern legislation; and the only question is, whether this desire may not be pushed too far? I promise, how-

ever, that this matter shall be inquired into; and if a grievance or hardship has been suffered, all possible remedy shall be applied, and all redress, which is practicable, afforded: but, at the same time, your Lordships must recollect, that, if these proceedings in gaols are so very severe and unjust, a vast number of men suffer under them, of whom your Lordships hear nothing and think nothing; and it is only when persons are charged with political offences, that their case excites the attention of this House, or of individual Members in it. The Noble Earl who has just sat down commenced his statement by a vindication of his conduct as lord lieutenant of Warwickshire. I know not what has been observed with respect to it in another place; but, as far as I am acquainted with the conduct of the Noble Earl as lord lieutenant, I can say nothing of it except in praise and approbation. From what has occurred this night, as well as from what took place on a former occasion, an opinion appears to be entertained by some Noble Lords, that the magistrates of Birmingham have shown great supineness and want of zeal. Without going much into this subject, I yet feel it my duty, considering that this charge has been so strongly urged, to put your Lordships in possession of a statement made by the mayor of Birmingham, and received this morning by my Noble Friend at the head of the Home Department. This paper explains the course he took on the day of the riots, and the circumstances which occurred: —

Birmingham, Wednesday, July 17.
11 o'clock P. M.

MY LORD, — The hurry in which I have been compelled to address your Lordship during the two last nights, has prevented my sending any details of the existing disturbances, — details now rendered necessary, not only by the directions in your Lordship's letter of yesterday, but by some statements of a most unfounded character, which, the magistrates understand, have been lately sent to your Lordship.

The magistrates, after several days of perfect quiet (from Tuesday, the 9th, to Sunday, the 14th, both inclusive), thinking Monday, the 15th, a day very likely to need protection, on account of its holiday character, sat at the Public Office till about five o'clock P. M., to consult as to the means of defence in case of any outbreak. Although their sittings on former days had been marked by the production of numberless reports of the most alarming character (scarcely one of which proved true), they received, at their sitting, only two reports of any moment; one, that a meeting was to be held at half past twelve (noon) at Holloway Head; the other, that the mob intended to arm themselves at night. With regard to the first, if a meeting were designed, none took place; and with respect to the second, it came before the magistrates, backed by evidence no better or more specific than that which had characterised all previous rumours, — and was, like them, too vague, even if true, for definite action. At five o'clock the magistrates adjourned, leaving word at the Public Office that, if any, or the slightest disturbance arose, they were to be sent for forthwith, — an arrangement adopted for one or two evenings since the town had resumed its wonted appearances of quiet. At seven, one of the magistrates was at the Public Office; he found all tranquil, and went home. At half past seven, a gentleman saw the close of the meeting held without the knowledge of the magistrates at Holloway Head, and observed the members of it move towards the centre of the town. He arrived at the Bull-ring at eight; and declares (so little did he anticipate any evil effects from this meeting) that, even at a quarter past eight, when he was in the Bull-ring, and after seeing so much more than was known by the magistrates, he had not the slightest fear or expectation of riot or disturbance. At a quarter past eight o'clock, one of the magistrates was in New Street, a very short distance from the Bull-ring, and, although engaged in conversation for some minutes in that street, neither saw any symptoms nor heard any rumours of disturbance. At about the same hour, another magistrate passed through the Bull-ring, and seeing no semblance of disturbance, went home. About half past eight o'clock, it appears that the Bull-ring began to fill. The upper part of it being especially crowded, when a body of men, women, and lads appeared at the lower part of the Bull-ring. This body, there is every reason to believe, came from the Warwick road, where great numbers had congregated to receive two "Convention delegates," who were to have been released from Warwick gaol that evening on bail. The delegates did not arrive so soon as was expected, and the mob moved towards the town. On its arrival, the attack was begun, by a party consisting chiefly of women and lads, on the shop of Mr. Bourne. After assailing it for some minutes, breaking in, and commencing the plunder of it, many of the assailants moved up the Bull-ring, and deliberately attacked other shops on both sides of the place, breaking their windows. In the mean time, the chief of the police started, on the first material symptoms of disturbance (at about half past eight), for the house of the nearest magistrate (Dr. Booth), whence he immediately drove up to my residence, about a mile and a half from the Bull-ring. He reached my house about nine o'clock. Without a moment's loss of time, we returned to Dr. Booth's, when we were informed that the crowd were breaking the windows of the Public Office. Dr. Booth and myself instantly galloped to the barracks, about a mile on the other side of the town, and, by twenty minutes before ten, had brought to the Bull-ring a considerable number of the military (dragoons), who were immediately employed, some in guarding the Bull-ring, and others in scouring the streets for a great distance round. By this time, many other magistrates had arrived at the Public Office. We found Mr. Bourne's house in flames, as also the house of Mr. Leggett (the only two fired, or materially injured by fire). Several bodies of soldiers were despatched to guard the fire engines on their route to the Bull-ring; and, in a few minutes, the first engine appeared, and was followed, in rapid succession, by others. All

were immediately set to work, and; by dint of the indefatigable exertions at once of the firemen and all the spectators, the fires, by twelve o'clock (midnight), were mainly overcome, although they continued to burn with diminished fierceness for about an hour longer. A question has been raised, whether it was not perfectly within the power of the London police force to put down the disturbance at the first outbreak? The general opinion, I find, is, that it might have done so; but, it is said, the London police were ordered not to act without a magistrate. Such, in fact, is superintendent May's statement of the instructions he received from the magistrates through myself. I can only say I do not remember having either sanctioned or encouraged any such instructions. At the same time, I am sure that, if such instructions were given, they were meant to be conditional upon the number and force of the mob they would have to encounter. If small, and within their power to overcome it, it is manifest the magistrates could not have desired to keep the police inactive; but, if the mob were large and dangerous, assuredly the magistrates would have been most culpable, had they allowed the police to attack it, until, by the presence of a magistrate, such a military force had been collected as would have prevented the possibility both of needless injury to the police and of the more fatal effect of a repulse. From the evidence of Superintendent May, however, it appears that there was no period, from the moment the outbreak began, at which the police force could, with safety and discretion, have interfered with the mob in the Bull-ring; all they could do was to clear the street in the immediate vicinity of the Public Office, — and this they did before the military arrived. Thus far, my Lord, I have stated facts: from these, I think I am fairly entitled to draw the following inferences: — That the magistrates were duly in attendance at the Public Office on Monday, as on the other days since the commencement of the disturbances; — that they left the Public Office on Monday evening, only, when they were satisfied that there was no just ground of fear that the peace of the town would be disturbed; — that no riot could be anticipated from the information given to the magistrates; and it was so sudden that the requisite summons, so especially enjoined, could not have been conveyed at an earlier moment; — that the instant it reached them, its call was obeyed, — and that the troops, with admirable alacrity, were on the spot in the shortest time that, under the circumstances, was practicable.

It is not for me, my Lord, to eulogise the body to which I belong, however warmly I may and do approve of the conduct of its members during the distressing scenes of Monday night; and though, as an individual member of it, I feel that I should, by no implication, permit such eulogy to apply to myself. But my entire confidence in the proofs that can be adduced of their readiness, their untiring zeal, and the prudence, as well as the firmness and personal courage, which characterise their acts throughout the whole of the recent disturbance, makes me share most largely in the anxious wish of my brother magistrates, that, at the earliest convenient moment, a commission of inquiry may test their proceedings, and try the correctness of the disparaging statements which have been so abundantly urged against them. It is, perhaps, not a little remarkable, that, though, throughout the disturbances, every outrage has been promptly suppressed, this has been done without the loss of a single life.

I have the honour to be, my Lord,
Your Lordship's obedient humble servant,
W. SCHOLEFIELD, Mayor.
The Right Hon. Lord J. Russell.

This is the statement of the mayor; and in answer to the inquiry of the Noble Earl, and in compliance with the wish that is expressed by the writer of this letter, I can say, that it is the intention of her Majesty's Government to institute an inquiry into the conduct of these magistrates. But I trust that your Lordships, on this, as on all other occasions, will consider the very delicate and difficult position in which the Government and magistrates are placed. If they are one moment too quick, they are censured for having — (as in a former instance, just now adverted to by my Noble and Learned Friend) — been too hasty, and are subjected to a torrent of invective for being precipitate, and causing a panic and alarm; they are charged with unnecessary violence, and with having provoked that violence — which would never have occurred but for their indiscreet interference. If, on the other hand, they delay one moment, and mischief and danger happen, — (and much may be done in a very short time) — they are subjected to reproaches of a contrary character. In conclusion, I would say, that it is the duty of all to support, as far as they can, the authority of those who are in power, and not to seize every opportunity for considering such transactions as this in a party point of view, by referring to what may have been the previous conduct of the magistrates; for, as the peace and safety of the country are placed in the hands of the magistrates, their being able well and effectually to preserve them will depend much on the support they receive from her Majesty's Government and Parliament.

The DUKE of WELLINGTON. — I am not at all surprised at the opinion which my Noble Friend has expressed to your Lordships; and that he should have felt a little anxious respecting what has been stated, from authority, in reference to his not having been present in the county of Warwick on the occasion of these disturbances. And I must say that, however full the Noble Viscount has been in his explanation of the conduct of the mayor of Birmingham, — however he may have, with great reason, deprecated any blame to be thrown, on the part of your Lordships, on the conduct of the mayor and magistrates of Birmingham upon this occasion, — the Noble Viscount has been

so much taken up with that part of the subject, and with the justification of the mayor and magistrates for having seized the exact opportune moment for interference, — as neither having been one moment too soon nor one moment too late, — and with giving them credit for that course of conduct, — that he has really totally forgotten to do justice to my Noble Friend behind me on the subject of the complaint made by him, as to observations which have been made respecting what he had to do in these disturbances, and whether or not proper measures had been adopted by her Majesty's Government. Now, I must say, in justice to my Noble Friend, that, although he is lord lieutenant of the county of Warwick, he had really, in consequence of the measures adopted by the Noble Lord opposite, no more to do in these disturbances in the town of Birmingham, than I have at this moment. Her Majesty's Ministers have thought proper, notwithstanding something which was said in this House during the last Session of Parliament, when certain Noble Friends of mine urged that a charter should not be granted to Birmingham till a full and fair inquiry, respecting the application for the grant, had taken place, — that such full and fair inquiry ought to be made, and that it ought not to be considered a party measure, — which I understand to mean an inquiry by the Privy Council. The inquiry that has been made, however, appears to be sufficient to satisfy the Noble Lords opposite: whether it will satisfy anybody else, I do not know; but her Majesty's Ministers, I say, have thought proper to grant Birmingham a charter of incorporation. Then Birmingham comes to be a corporate town, — and, as such, the appointment of magistrates rests with her Majesty, according to Act of Parliament; and they would have been appointed by her Majesty, or by the Noble and Learned Lord on the woolsack, on whose discretion everybody will rely as to the choice of fit and proper persons to be appointed magistrates. But it appears, unfortunately, that a Noble Lord opposite did, when this Act of Parliament was passed, declare, in his place in another House of Parliament, when this clause of the Act was agreed to — (on the rejection of another clause which was proposed, that the town council should elect persons to be recommended to her Majesty to be appointed magistrates), — that Noble Lord did declare, that, as long as her Majesty's existing servants were in office, he considered it to be his duty to consult the town council as to the appointment of persons to be magistrates of all those corporations. The town council were to proceed to an election, and he would recommend the Lord Chancellor to appoint the persons so elected. Thus, then, the Queen, Lords, and Commons decided that the town council should not elect magistrates, — that is, that her Majesty should appoint; and her Majesty, of course, must appoint the magistrates under the old constitution of England. The interference of no person is required in these appointments, except of the individual who holds the great seal. This is so, by the Act of Henry VIII.; but, notwithstanding this, the House of Commons determined it should be otherwise; — they decided that the town council should elect and recommend persons as magistrates of these corporations. The bench of justices in question was appointed by the Secretary of State; and my Noble Friend had no more to do with their appointment than I had. Now, I am not at all astonished that the Noble Viscount should be so exceedingly anxious that your Lordships should not, at once, pronounce an opinion against those magistrates on these proceedings, because the Noble Viscount says their conduct must be inquired into; and, in fact, the Noble Lords opposite are, themselves, responsible for their appointments, and for the conduct of those persons who have been appointed at their recommendation, — in my opinion, contrary to the positive enactments of an Act of Parliament passed but a few years ago.

This subject must come under inquiry; and, therefore, the less that is said about the matter, previous to that inquiry, the better. But when this matter was discussed on a former occasion, the Noble Viscount taunted me because I stated my opinion, and said there were police and troops enough, and that the blame rested on the magistrates; and he did not at all scruple to intimate that it might attach to the troops or the police; and he at once referred to the case of the yeomanry at Nottingham some years ago, but who, it appears, obeyed the law, and did not act until they were ordered to do so by the magistrates. There was no scruple on the part of the Noble Viscount to hint that it might be the troops who were in the wrong. My information is only derived from the newspapers; and it may have been that the troops and police did not act properly; but it appears, now, that the mayor has given an account of these transactions, and he says that there was no reason to apprehend that there would have been any further riot on Monday. Now, my Lords, I have understood, and have heard, that a person went through the town in the middle of the day ringing a bell, guarded by twelve men armed

with bludgeons, and gave notice, in front of this very Public Office, to persons to assemble on that very afternoon. It is most painful to think upon such subjects as these, and to pass blame on any persons; but I cannot help calling your Lordships' attention to those party appointments of magistrates which have been made, not only at Birmingham, but in every part of the country: and I must beg leave to mention one circumstance to your Lordships in respect to those same appointments of magistrates and bench of justices at Birmingham; and that is, —that the clerk of the peace of this very same bench of justices is the person who defended, before the bench, that very night, one of the persons who was apprehended in these very disturbances. I contend that the Noble Lords opposite are responsible for the appointment of these magistrates, and for the breach of the Act of Parliament. I will not, now, say any more upon this subject, except that I hope that a full and fair inquiry will take place at no distant period, and that the House will be made acquainted with the result.

The EARL of WARWICK. — So far from wishing to take any part against the magistrates, I shall be ever happy to support them; but, in the present instance, I must say, that I consider they have not done their duty. They were not at their posts during the whole of this riot. I have a letter in my pocket, which is as much entitled to credit as the statement of the mayor, but which is exactly contrary to it. I have, indeed, four or five statements diametrically contrary to that of the mayor. The people of Birmingham are calling out to us to give them justice, and are looking to your Lordships for it. During the whole hour and a half that the riot was going on in front of the Public Office, and when many of the delegates of the Chartists were crying out for a meeting, although two notices were sent, not a magistrate was to be found at all! One of the special constables said, if he had authority, he would have called out the police; but orders were given in no case to act without permission of the magistrates. My Lords, I certainly should have thought that, out of twenty-two magistrates in the county, at least some might be found where riots happen to break out; but, unfortunately, it was not so in this case. As far as inquiry can be made, I hope the result will be to the credit of the magistrates, and that the Noble Viscount will cause it to be made with as little delay as possible.

LORD LYNDHURST. — My Lords, I cannot suffer this subject to pass by, without making one or two remarks. I do not think it expedient to enter into any details, now, with respect to the conduct of the magistrates; they are on their trial, and therefore it is not right or fair to enter into any discussion of that matter. But I must say, with reference to what I have read and seen in this case, that her Majesty's Ministers are deeply responsible for the transactions that have taken place. Allow me to recal your Lordships' recollection to times past, — to what occurred in the months of September and October last year, — to the Chartist meetings that were held in every part of the country, — of which no notice, or, at least, no unfavourable notice, was taken by her Majesty's Government. Your Lordships have heard that, on these occasions, great multitudes assembled, — most inflammatory language was held — language of a most seditious nature; — the individuals and persons, then assembled, threatening publicly to make use of physical force for obtaining the redress of what they were pleased to call their "grievances." The whole society of this great city was surprised at the supineness displayed by her Majesty's Government. But there was one circumstance at that time which excited still further astonishment; and it was this, — that, at the time when these meetings were being held, day after day, in every part of this island, one of her Majesty's Cabinet Ministers, — the Noble Lord, who, himself, presides over the domestic transactions of this country, in a public meeting at Liverpool, made a speech, the tendency of which was to encourage these Chartist meetings. My Lords, if, at a public meeting, a Minister of the Crown thought it proper to advert to these meetings, it seems to me that it would be his duty to have adverted to them in strong terms of condemnation; but, instead of doing so, I am sure your Lordships will remember that the terms made use of, and the whole scope of the speech that was delivered by the Noble Lord, on that occasion, were of a tendency to encourage the persons who were actors in these violent transactions. I do not mean to say that a speech, such as that to which I have alluded, would, if pronounced in a private meeting, be deserving of blame; but, as the Noble Viscount stated in his speech of this evening, everything depends on the circumstances in which the matter may be published. In this I concur; and if I show the circumstances under which the speech, from which I will read an extract, was delivered, I am sure your Lordships will agree with me that it was

calculated to encourage those meetings which it was the peculiar duty of the Noble Lord to repress. I hold in my hand an extract from the speech of the Noble Secretary for the Home Department, delivered on the occasion I have referred to. It was published at that time, — and the accuracy of the report has not, that I have ever heard of, been impugned. The Noble Lord expressed himself in these terms. At that moment, it should be observed, there were various Chartist meetings in the country around him: —

He (Lord John Russell) would not, before such a party, wander into the field of politics; but there was one topic connected with his own department ——

(that department in which the Noble Lord is responsible for the preservation of the peace of the country) —

upon which he might be allowed to dwell for a few moments. He alluded to the public meetings which were now in the course of being held in various parts of the country. . . . There were some, perhaps, who would put down such meetings; but such was not his opinion, — not that of the Government with which he acted. He thought the people had a right to free discussion.

The MARQUESS of LANSDOWNE. — Hear, hear, hear!

LORD LYNDHURST. — Free discussion! My Lords, the Noble Lord the Secretary for the Home Department was, at the moment, speaking of Chartist meetings, — of those meetings, some of which were held by night, where some of the people came armed; and where they were told that, if they did not get the redress they sought for, they ought to use physical force. My Lords, will the Noble Marquess call this "free discussion?" Was it free discussion which some of these parties sought at some of their very recent meetings? But the Noble Lord the Home Secretary went on to say, —

He thought they had a right to free discussion. It was free discussion which elicited truth. They had a right to meet.

I suppose I shall have another cheer from the Noble Marquess.

If they had grievances, they had a right to declare them, that they might be known and redressed.

Now, I ask any of your Lordships, whether language such as that I have read, coming from one of the principal Ministers of the Crown, — the Secretary for the Home Department, — and uttered at a time when those Chartist meetings were being held in various parts of the country, held at night, many of the people attending being armed, and all advised to resort to physical force if they should deem it necessary, — I ask, was not such language calculated to produce such results as we have lately heard of? What did the Noble Viscount at the head of the Government say of those results which have occurred? Why, "that he deeply deplored them, but was rather surprised that they had not occurred sooner:" and yet a Noble Lord — the colleague of the Noble Viscount — the Secretary, too, for the Home Department — uses language calculated to encourage these meetings, and to accelerate these results! My Lords, am I not justified, then, in saying that Ministers are deeply responsible for the results which we all deplore in common with the Noble Viscount? But, my Lords, is that all? I now come to the appointment of the magistrates for the town of Birmingham. The Noble Lord the Secretary for the Home Department may say that those meetings should not have been put down by force; — that the state of the law, and the state of public feeling, are against that course. Be it so; — but should not the Noble Lord and his colleagues have, at least, abstained from giving to those meetings direct encouragement? Was it not encouragement, to have selected for the magistracy many of those persons who had been deeply implicated in those transactions? They selected one who had been a member of the Political Union, — who was afterwards a Chartist, — who had been sent to London to the so-called National Convention, to represent a large body of his fellow Chartists, — who had been appointed a co-trustee for the management of the funds of this body for carrying out their objects, — who had been sent as a delegate to Scotland, to agitate the Chartist principles in that country, — and who had said to many of his colleagues, that moral force was a mere farce, and that the people ought to be prepared to use rifles, and to discharge muskets; — and yet this individual was one of those men who were selected as magistrates for the town of Birmingham. It may be that the state of public opinion, and the state of the law, would not admit of putting down those meetings by force; but would public opinion sanction the appointment, as magistrates, of some who had been deeply implicated in those societies — and who, perhaps, in the end, left them only from motives of fear? Was this, or was it not, encouragement to those societies? Was not this course pursued for the purpose of supporting party views and party feelings? But what makes this conduct

of the Government the more remarkable, is, that I well recollect a proclamation, issued in 1831, by the Government of which the Noble Viscount opposite, as well as the Noble Lord the present Secretary for the Home Department, were members. In that proclamation, the Political Unions were denounced as illegal and unconstitutional; and it was said that those connected with them would be liable to a prosecution, as acting contrary to law: but, nevertheless, not only were none of those parties prosecuted, but some of them were, not long since, appointed as magistrates to preserve the peace of Birmingham. My Lords, when I consider these things, I am not surprised that they have produced such consequences. My only surprise is, that such a policy did not sooner lead to those results which we all lament. As to the transactions of the late "two days" in Birmingham, I have no doubt that a police and a military force sufficient for the protection of the town has been provided. Had the Government neglected to collect such a force, it would have been guilty of a gross and most culpable dereliction of its duty. Yet, with such a sufficient force for the protection of the town, a violent mob of persons were allowed to assemble at seven o'clock; and it was not until a quarter to ten, when much havoc, and great destruction of property, and great danger to the lives of the peaceable inhabitants had occurred, that any force was called out to quell the riot. If, then, my Lords, there was a force collected sufficient to have prevented these outrages, there must have been gross dereliction of duty somewhere. It can scarcely be credited that a large and important town, in a country so powerful and so intelligent as this, should have been suffered to have its property injured, and its safety compromised, by a lawless body of that class of persons to which I have referred. Surely it was the business of the civil power to have checked and restrained those parties whom they contributed to encourage.

The MARQUESS of LANSDOWNE. — The outrages to which the town of Birmingham has been subjected, every one must deeply deplore, — and there can be no doubt but the case must be inquired into hereafter. The Noble and Learned Lord who has just sat down, — at the moment when he recognises the unfitness of the present time for any discussion as to the conduct of the magistrates of Birmingham, — has shown, by the course which he has pursued, that he considers this a convenient and fit opportunity to bring a charge against the Noble Lord the Secretary of State for the Home Department, not for any part of his conduct on this occasion, but for a speech which he delivered some time ago, and which, for reasons now brought forward by the Noble and Learned Lord, — but which reasons are unfounded in fact, — he attempts to connect with these disturbances. I beg to state, however, that, although I labour under the disadvantage of not being possessed of the documents which the Noble and Learned Lord has brought down in his pocket on this occasion, and from which he has read extracts — and extracts only — to the House, for the purpose of endeavouring to fix upon those sentences which he has quoted, a meaning which they do not bear, I take upon myself to affirm that the meaning attempted to be given to them is not that which they really convey. Is this acting fairly to my Noble Friend?

LORD LYNDHURST. — The Noble Marquess charges me with unfairness in not having read the whole speech. I can only say, that I read all which related to the subject on which I was speaking. The Noble Marquess has, now, the book before him, and he can read the whole of the speech if he likes.

The MARQUESS of LANSDOWNE. — I say that what the Learned Lord has read cannot bear the construction that has been put upon it, inasmuch as the phrases in it have no reference to the Chartist meetings, and inasmuch as it contains no expressions except those in favour of something for advocating which I incurred the indignation of the Learned Lord, — an expression in favour of free discussion in this country, — which the Noble and Learned Lord thinks ought not to be approved of in this House. Concurring with the Noble Lord the Secretary of State for the Home Department, I hope it will ever be the maxim of this country, that on every subject of grievance there should be free, fair, and open discussion; and I think that no man is fit for office in this country, who does not hold the justice, the fitness, and the constitutionality of that principle. But the Noble and Learned Lord is pleased to insinuate that, by advocating free discussion, my Noble Friend lent his countenance to a spirit of violence, of disorder, and of outrage against property. I challenge the Noble and Learned Lord to point out any one word in this document which would bear out the construction that he has

put upon it. I have before me the explanation which has been given by my Noble Friend, of the speech referred to, in which I find the following words: —

My opinion is, that, whatever number of persons may be assembled together,—however large the meeting,—yet, if they meet for nothing more than fair discussion, ——

Let me ask, is this language which can be construed into encouragement of the recent conduct of the Chartists at Birmingham? Was the language of my Noble Friend calculated to let in that violence and those outrages which have been recently perpetrated? Has the object of the Chartists in the late outrages been fair discussion? or any discussion? How, then, will the language of my Noble Friend apply to it? This was the explanation given by my Noble Friend five months ago; and, from that time to the present, no one has attempted to fix on him any encouragement to Chartist meetings by that speech. In the passage to which I refer, my Noble Friend stated, —

My opinion is, that, whatever number of persons may be assembled together, — however large the meeting, — yet, if nothing more were intended than fair public discussion, no attempt should be made to check the expression of public opinion.

My Noble Friend went on to say that this should be particularly the case with regard to the poor laws, on which many meetings had then been held. Does the Noble and Learned Lord think that the poor law meetings should be repressed by the insane energy of Government, which the Noble and Learned Lord would invoke to put them down? Would he have the Government say to them, "We will tolerate no meetings on these laws?" My Noble Friend added, —

I went on to say that I thought it not too much to ask that those who took advantage of this principle of free discussion, — and long may that principle exist in this country! — should not abuse it by inducing others to a violation of the law, or to any injury of those who were employed in its execution.

This, then, is that great countenance to violence, — that encouragement to brute force, — which the Noble and Learned Lord has charged on my Noble Friend, and which he has founded on the partial and garbled extract he has read. My Noble Friends, the Noble Viscount at the head of her Majesty's Government and the Noble Secretary for the Home Department, have never shown any hesitation in expressing their intention to repress public violence on every occasion; but, with respect to the extent to which Government should interfere in putting down such assemblages, it must be left to the sound discretion of Government to say when that time has arrived. The Noble and Learned Lord will admit — knowing, as he does, what has passed during the last six months — that a certain degree of forbearance on the part of the Government has had no mischievous effects with reference to the meeting of the Chartists in London. The Noble and Learned Lord knows that the acts of those bodies recoiled upon themselves, while the Government abstained from any interference, — that they wasted themselves in internal dissensions, — that, unopposed by the arm of Government, they wholly failed of producing any influence on the population of this great metropolis, which indignantly rejected their offers, — and that the abstinence from that force which the Noble and Learned Lord would advise, has prevented this great city from risking all those blessings on which its happiness depends. Now, my Lords, I will say that, if the Noble and Learned Lord had perceived, in the speech from which he has read an extract, any disposition in the Noble Secretary for the Home Department to unite or encourage those meetings, it was his duty to have made it the subject of a direct charge at the first meeting of Parliament, and not to have introduced it incidentally, as he has now done. As it is, though no charge has been brought against my Noble Friend, the subject was made the topic of a short discussion in another place, and the speech was explained in the manner to which I have already referred; since which time it has never again been adverted to, until it was made the subject of the Noble and Learned Lord's charge this evening. Having said thus much in vindication of the character of my Noble Friend, I now beg to set your Lordships right on one or two topics which have been adverted to. First, as to the charter given to Birmingham, — that is subject only to the consideration of the Committee of Privy Council, under whose authority it has been given. The pledge given and acted upon was, to inquire whether the majority of inhabitants or ratepayers were in favour of it; and that this should be the subject of further consideration, and more deliberate inquiry. This inquiry was carried on by competent persons who were sent down, and who, after a minute inquiry, made their Report. On that Report, and after mature deliberation, the Committee of Privy Council determined that a majority of the ratepayers were decidedly for having a charter. According to the terms of the Act of Parliament, they were bound, therefore, to issue the charter, which it certainly was the inten-

tion of Parliament should be given where the majority of inhabitants expressed a wish to have it, in great towns, and where it appeared that the population of those towns was such as to require municipal institutions. The Noble Duke has stated that the appointment of magistrates in Birmingham was in violation of an Act of Parliament, and that my Noble Friend the Secretary of State thought himself bound to act on the opinions of this town council with regard to the magistrates whom he has appointed. I can positively state that that was not the case. I can assure the Noble Duke that, in almost every instance where advice has been given by corporations, as to who shall be appointed magistrates, my Noble Friend has not taken that advice; he has chosen particular persons, — who were recommended, no doubt; but is there any Act of Parliament to prevent him from doing what my Noble Friend on the woolsack is obliged to do on all occasions, and what the lord lieutenant of the county is obliged to do, — namely, collecting the opinions of persons, in authority, in the neighbourhood, as to the most fitting persons to be appointed? But, in this particular case, my Noble Friend did not take the opinion of the town council, as to those who ought to be elected magistrates; and I know of cases in which my Noble Friend has rejected the opinions of town councils altogether; therefore it cannot be said that my Noble Friend has thrown the nomination of magistrates entirely into the hands of town councils.

On another point, I cannot sit down without saying a few words, although I feel that there are others in the House much more competent to give an opinion upon it; and if I am wrong, I trust that they will set me right. I mean, as to whether the magistrates of the county are not entirely excluded, by the charter of the corporation of Birmingham, from acting within the limits of the charter? I apprehend that there is no such exclusion.

LORD LYNDHURST. — They are excluded, when there is a grant of a separate quarter sessions.

The MARQUESS of LANSDOWNE. — I believe that they are not excluded by the Municipal Act, except by the rate-paying and rate-imposing clauses, and that there is nothing to prevent their interference in criminal matters. As to these, I should have apprehended that their jurisdiction was co-extensive with that of the local magistrates. With respect to a connection between the towns and the lord lieutenant, it does exist, — inasmuch as, when the magistrates are called on to nominate special constables, they are required by the Act immediately to communicate thereupon with the lord lieutenant of the county; and I have, myself, as lord lieutenant of one county, received such communications from places having corporations, with regard to the appointment of special constables. This establishes the fact, that the connection does still exist between the lords lieutenants and the places so incorporated; and I believe that their relative position remains the same, except with respect to recommendations for the magistracy; although, doubtless, if even in this matter the opinion of the lord lieutenant should be given to the Secretary of State for the Home Department, it would meet with due respect.

The DUKE of WELLINGTON. — I beg leave to offer an explanation. I know nothing about what the Noble Lord (Lord J. Russell) has done at Birmingham; I conclude that he has done what he said he would do. This is what he (Lord J. Russell) said: —

I have no hesitation in saying ——

— (and, mind! — a clause to this effect has passed both Houses of Parliament) — that the Crown, and not the town council, should nominate the magistrates.

Afterwards, this was what the Noble Lord said: —

I have no hesitation in saying, that, so long as my colleagues and myself continue to be the advisers of the Crown, we shall conceive it to be our duty to hold — that the most natural and satisfactory mode of appointing these justices will be, to request that the town councils will send us a list of the names of the persons in whom they think confidence ought to be placed.

Now, there is the mode of nomination of the Noble Lord, if he has acted up to it. The Act of Parliament decided one thing, and the Noble Lord has decided another. I conclude that the Noble Lord acted accordingly. In another part of the case the Noble Marquess tells me that I am under a mistake; that the provisions of an Act of Parliament require that the magistrates nominating special constables should report them to the lord lieutenant of the county.

The MARQUESS of LANSDOWNE. — That Act is not repealed by the charter of the corporation, but is remaining in force.

The DUKE of WELLINGTON. — What was the law before, is the law now.

What I stated was, that, the corporation having appointed magistrates of its own, and having, as I believe, a quarter sessions, the magistrates of the county of Warwick have nothing at all to say to the transactions of the corporation of Birmingham. I conclude that this is the law; the Noble and Learned Lord opposite (the Lord Chancellor) will be able to state if it be not so. My Noble Friend (the Earl of Warwick) was not called on in any way whatever to go to Birmingham; in short, he had nothing to do with it. Her Majesty's Ministers, alone, are responsible for the conduct of the magistrates; they are the persons who have to do with them, and who must decide on their acts.

VISCOUNT MELBOURNE. — It is not necessary to call for the lord lieutenant to go anywhere, when there is a disturbance in his county, — he ought to go there himself.

The MARQUESS of SALISBURY.— That is a matter of courtesy.

The EARL of RIPON. — The magistrates ought to have informed the lord lieutenant of what took place; they, and not he, are responsible. So much, my Lords, for the wisdom of these magistrates. My object in troubling your Lordships on the present occasion, is to refer to a point on which many observations have been made in the course of the evening, and which has been particularly alluded to by my Noble Friend the President of the Council, who has just sat down.— I mean the matter connected with the grant of the charter to Birmingham. It so happens that the discussion which took place in this House on that subject originated with myself. The parties who opposed the charter, felt that it was called for by a very small number of ratepayers; that the amount of rates with which these persons were charged was very small in proportion to the aggregate amount of rates levied on the town; and, conceiving that the town was liable to be taxed by the corporation, if one should be appointed, they protested against such a measure, and petitioned the Council not to give the charter. They understood that it was the intention of the Council to give the charter, notwithstanding their representations, founded upon general reasons of policy, as connected with the administration of justice, and with the maintenance of public peace, in that important commercial town; they, therefore, drew up a petition to this House, which they did me the honour to put into my hand. My Lords, the purport of that petition was, that this House should take such steps as might be necessary to procure from her Majesty's Privy Council a further consideration of the case, because they understood that the representations made to the Privy Council had given a very inaccurate report of the balance of feeling about it. I presented this petition to your Lordships, and asked that no charter should be granted till the petitioners had been heard,— inasmuch as they impugned the accuracy of the representations made to the Privy Council. My Noble Friend, certainly, did not say that no charter should be granted; but he said that the great seal should not be put to the charter till an inquiry had been made. An investigation was entered into: that point being carried, I did not feel it to be my duty to press for anything more,— because I doubted, and always shall doubt, the constitutional fitness of this House to interfere with the prerogative of the Crown. The inquiry was concluded,— some part of the result of the inquiry I certainly have seen,— and I am astonished —beyond measure— that the Noble Marquess should say, "that there was so clear a preponderance of opinion in favour of the charter, that her Majesty's Government found themselves bound by the force of the Act of Parliament to confer a charter." In the first place, I deny that we were bound to give the charter, even if there had been a majority in favour of it; but I am perfectly confident that it will appear that the whole number of persons who have applied for the charter at all, forms a very small portion indeed of the whole of the ratepayers of the place. Those who have petitioned against it are very nearly equal in numbers to those who have petitioned for it; at least, they were on the first application;— I do not know what new petitions may have been got up afterwards;— but the amount at which the parties are assessed (which is allowed to be a most important ingredient, by my Noble Friend himself, as to the propriety of granting a charter), shows a very considerable preponderance on the part of those who petitioned against the charter. If I am wrong, I hope my Noble Friend will prove me so. I think it was a most unfortunate decision; and I very much doubt whether it has contributed, or whether it ever will contribute, to the tranquillity of the important town of Birmingham.

The DUKE of WELLINGTON. — I wish to be allowed to say, with regard to the position in which the lord lieutenant stands in relation to the town of Birming-

ham, that in consequence of the Corporations Act, and the corporation having appointed quarter sessions, he has no direct authority to be there, and it was better that he should not. The Noble Viscount has taken the first opportunity of throwing out an insinuation against my Noble Friend, as if it had been his business to go down to Birmingham, and as if it were not the duty of the Government to express their wish that he should go down, had the case been such that his services were required. If the Noble Viscount will give me leave to say so, without getting into one of those towering passions in which he sometimes indulges without cause, or if he will only pause before he uses more warmth than courtesy in accusing us either of folly or of mischief, — if the Noble Lord will allow me, without incurring his ire, to take such a course, — I would remind him that a short time ago, when he first addressed the House, he was a little anxious to avoid aspersions on his own character and conduct, and the character and conduct of the Government, and he ought to be a little lenient, therefore, in throwing out, so rashly, aspersions and insinuations against others, — I mean as against my Noble Friend. My Noble Friend was ready to do his duty on this occasion, as he always has been on all others; but, really, considering the state into which the magistrates of the town of Birmingham have been brought by the interference of her Majesty's Government, I do think that my Noble Friend's being ready to go there, at all times, is his ample justification.

The LORD CHANCELLOR. — I beg to be allowed to say a few words respecting the application for the Birmingham charter. Your Lordships may recollect that there were applications for a charter, and that there were petitions against it; and the question, of course, was, on which side there was a preponderance of solicitation. Some conversation took place in this House, which led my Noble Friend the President of the Council to inquire into every particular connected with the amount of the population and the numbers of the ratepayers who had signed the petitions on the one side and on the other. He communicated with me on the subject; and on looking into the report of the gentleman who had been sent down to ascertain the result, it did appear to me that the result was not entirely satisfactory, — for I found that a large proportion of the persons who had petitioned against the charter were, in fact, fictitious signatures; — that there was every reason to suppose that the persons said to have subscribed that petition were not in existence. I thought that the inquiry had not been sufficiently followed out; and the same gentleman was sent down again, with directions accurately to examine into the genuineness of the names of those who had signed the petitions. He ascertained, first of all, the number of those who were really petitioners, and he found, amongst the names of those who had petitioned against the charter, that there were whole streets from whence were sent fictitious signatures. He told the townspeople, who were convened to meet him, that he was there present for the purpose of investigating the list of names of those who had signed the petition; but they declined to pursue the inquiry. The gentleman had, therefore, no means of pursuing the investigation further. He ascertained who they were, who were petitioners for it; and they who had petitioned against it declined to give him the opportunity of further search. The conclusion to which we came, and to which I think your Lordships will agree, was, that there could be no doubt on which side to decide.

The EARL of RIPON. — This is a serious case, affecting many persons of character in Birmingham; and I feel personally responsible for the correctness of what I have laid before your Lordships. I hope there will be strict inquiry into the matter, and we shall be then able to see whether or not any one has been guilty of a fraud on this House. I firmly believe that the fact will turn out to the contrary.

LORD DENMAN. — My Lords, I am very unwilling to prolong this discussion; but the House will allow me to say that nothing is so inconvenient as for Noble Lords to refer to doubtful statements, which are afterwards to become the subjects of inquiry in courts of law. I would humbly suggest, that it is likely to excite a degree of feeling beforehand, under which people can hardly be expected to come to an unbiassed decision. I really must take the liberty of offering this suggestion to your Lordships, — that any discussion on the subject, on which Noble Lords pledge their own personal character to facts, which are afterwards to be made matter of discussion, can only be injurious to a right decision. I think there has been one thing stated, erroneous in point of law, and which might lead to most important results, if not corrected at the earliest possible period. I am extremely unwilling ever to volunteer an opinion on a

point of law; but I believe this to be a matter so free from doubt, that I think it better to state, at once, what is the law, without referring it to any judicial inquiry, than to allow it to go forth to the country as subject to a doubt; — I mean the question whether the magistrates of counties have a concurrent jurisdiction with the magistrates of a town which has a charter? I apprehend that, when quarter sessions have been appointed to be held by a town, it is perfectly clear that the jurisdiction of the county magistrates is, there, at an end. If it were not so, the county magistrates might be pulled on to act, and might incur serious responsibilities by improperly acting; and, on the other hand, if they did not act when they were bound to act, they would be placed under a responsibility as serious as that which is said to have been incurred by the gentlemen into whose conduct the Noble Earl intends to institute an inquiry. I think that the county magistrates could not be called on to act on this occasion; but if the care of the peace of the town rest on these magistrates, — however they may have been appointed, and under whatever circumstances, or however exempted, — they must take on themselves all the responsibility of preserving the peace of the town, and must answer for it when that peace is allowed to be improperly disturbed. But, as the Noble Marquess has said, the lord lieutenant, the head of the military power of the county, as distinguished from the civil authority, may be called upon — as lords lieutenants frequently have been called upon — to act, in rendering aid to quell disturbances in any part of the county over which he presides. I cannot help adding the expression of my regret that there seems to be abroad, at present, so much doubt as to the proper mode of interference, on the part of the police, in doing that which it is the duty of all the Queen's dutiful subjects to do, — that is, the putting down all attempts to break the peace.

The LORD CHANCELLOR. — I beg, by way of explanation, to say, that the applications made by Manchester and Birmingham to the Privy Council for charters, were both under the consideration of Government at the same time; and, upon reflection, it strikes me that I may possibly have made a mistake, by applying that to Birmingham, which really had reference only to Manchester.

LORD BROUGHAM. — I entirely agree with my Noble and Learned Friend in the construction he has put upon the Municipal Corporations Act, — that its provisions confine the concurrent jurisdiction of the county and borough justices to those corporate towns where there are no quarter sessions. There are quarter sessions at Birmingham; which, consequently, bring that town within the rule excluding a concurrent jurisdiction.

With respect to the case of the Noble Earl, I completely and fully agree with the doctrine laid down by my Noble and Learned Friend near me. The lord lieutenant, *quasi custos rotulorum*, is excluded from any jurisdiction in the town; but, *quasi* military lord lieutenant, he is not excluded. While on the subject, I will point out another important mistake which has been fallen into on this occasion. It appears, by the statement which your Lordships have heard to-night, that the authorities in Birmingham proceeded upon a supposition as erroneous in point of law, and as likely to be attended with mischievous consequences, as any man can imagine; for they seem to have thought that, without the presence of a magistrate, the police could not act; and one of the magistrates — Dr. Booth — thought he could not act until the mayor arrived. Now, I beg to tell those persons, if they will take the law from me, that the police, though not the military, are perfectly at liberty to act without the presence of a magistrate in repression of any breach of the peace; and that, as a magistrate, Dr. Booth was just as good an authority, and as competent to act, as the mayor of Birmingham.

My Noble and Learned Friend (Lord Lyndhurst) has been accused of not having gone into the whole of the extract read from a certain speech; but it should be remembered, that though a passage, very materially qualifying the doctrines laid down in the former part of the speech, appears in the debate in another place, that qualifying passage is not found in the original speech; for in that debate my Noble Friend used the strongest language in deprecation of the employment of anything like violent means. But this was not the case, at all, in the report of the first speech. I entirely agree in the impropriety of the appointment referred to by my Noble and Learned Friend. If the gentleman in question thought proper to go down to Perth, and talk of arming, — and of the necessity of employing physical, not moral force, — and of rifles and firelocks, — I think that he was a man who, in using such language as that, especially in a town so little likely to adopt his vagaries as Perth,

showed that he had not only very little knowledge of the people of that town, or of mankind at large, but that he was a person of very little intellect at all, — and therefore improper for the appointment in question. Let it be observed, I do not say this gentleman would, of necessity, be likely not to do his duty when he was once appointed; probably, he would; indeed, I believe that persons appointed under such circumstances are often found to do their duty better than might have been expected from their previous characters. I should have thought, therefore, that the man would have done his duty as a magistrate; but, then, we are to consider, in making an appointment of this kind, what will be the effect of it on the minds of those who expect that the appointee will not do his duty? I am glad that this conversation has occurred, because I trust that what has passed will serve to dispel the erroneous views as to the law, which at present seem to prevail with regard to this subject; and especially to convince people of that which my Noble and Learned Friend near me (Lord Denman) — whose opinion, from the great talents which belong naturally to him, from his extensive legal knowledge and experience, and from his steady attachment to principles of liberty, must have great weight with the country — has stated, — namely, that every man — not only every policeman, but every one of the Queen's dutiful subjects — is required, when he sees the peace in the act of being broken, to lend his aid, and to take part in endeavouring to restore it.

The MARQUESS of LANSDOWNE. — I cannot refrain from observing, that I think the explanation which has been given by the Noble Secretary of State, in another place, of the language he used at Liverpool, is more authentic, and ought to have had more weight with the Noble and Learned Lord, than a report which was taken by a person, who was not a regular reporter, of a speech delivered after a dinner.

LORD BROUGHAM. — I beg to state that, although the speech of the Secretary of State was made after Chartist meetings had been held, yet it was delivered long before any one torchlight meeting took place. I know it was, with great injustice and want of reflection, said, "Mark how inconsistent Lord John Russell is! One day he tells us to hold meetings, and on the next day he denounces us for holding them!" But what is the fact? All that the Noble Secretary of State did, was, to tell the people that they might hold lawful meetings, but not unlawful ones.

Read, and ordered to lie on the table.

The EARL of WARWICK. — I beg leave to move for a Return of the names of all magistrates appointed under the authority of the Municipal Corporations Act, in the county of Warwick, specifying the boroughs for which they have been appointed, together with the dates of their appointment. I will now observe, that, if I had gone down to Birmingham, on hearing of the disturbances, I should not have had the least knowledge of what my situation would have been there. I know that, as lord lieutenant, I should have had the right of acting in a military character; but I will appeal to the Noble Viscount, whether he thinks it would have been proper for me to have gone down and exercised that right? I never knew, till I saw an account of the fact in the public papers, that the yeomanry had been called out. I naturally supposed that, if the magistrates had regularly applied to the Home Secretary for assistance, that Noble Lord would have informed me of the fact; and then I should certainly have gone to Birmingham.

VISCOUNT MELBOURNE. — If the Noble Earl asks me for my opinion upon the subject, I most unquestionably think that he ought to have gone down. It should be recollected, that there had been disturbances in the town of Birmingham for eight or ten days; and I certainly think that the lord lieutenant of the county ought to have gone to the spot. It will not do for the Noble Earl to say that he would have had nothing to do at Birmingham if he had been there; because a disturbance in that town is calculated greatly to affect the state of the county at large, over which the Noble Earl presides.

Return ordered.

ELECTORS' REMOVAL BILL.

The Order of the Day for the second reading of this Bill, and the Lords summoned, having been read, —

The EARL of CLARENDON said: — My Lords, I consider this to be a measure calculated to remove a great amount of inconvenience and evil, at present affecting every denomination of voters. It is from no other motive than the desire of getting rid of those grievances, that I move the

second reading of the measure. There are two classes of objectors to the Bill;—one consists of those who think this measure will interfere with the finality of the Reform Act; the other comprehends those who admit that improvements are wanted in the Reform Act, but are against the improvements that this Bill offers them. With respect to the first class, I hold it to be impossible that any one can maintain the finality of any measure, even though it should be the most excellent that human ingenuity can devise at the time it is adopted. No man in his sane mind can possibly, I think, venture to maintain such a principle. My answer to the second class of objectors is this:—one great object of the Reform Bill was, to do away with the class of out-voters. I should be as averse as any man to restore the evils of the ancient system; but I do not think the present Bill can have the effect of again calling those voters into existence. It is very improbable that mechanics or tradesmen would go to a borough, pay up rates and taxes to obtain a vote, and then quit it immediately,—knowing that they must lose their vote at the next registration. The law, as it at present stands, annually disfranchises a large portion of every constituency. At Salford, among 2000 electors, there are 200 removals annually; and thus a number amounting to 10 per cent. of the constituency is disfranchised. At Hastings, the proportion of removals is 17 per cent.; and at Brighton, 10 per cent. At Bath, also, the number is very large. I trust your Lordships will see that this is no party question,—that the evil, against which this measure is directed, is one that affects every class, and that all parties must be desirous to remedy. The Bill is now sent up a second time to your Lordships' House: it reached you, on the former occasion, just before the last general election. The grievances complained of have now infinitely increased, and your Lordships may pass this measure with perfect safety,—for it is one of those practical ameliorations which will be received with gratitude by the people, and will inspire them with the confidence that your Lordships are not unwilling to redress real grievances. I now beg to move that the Bill be read a second time.

LORD REDESDALE.—I must disclaim, as strongly as the Noble Earl, the being guided by party motives in the opposition which I feel bound to offer to this measure. If the Bill were strictly confined to the relief of those persons who, though really entitled to the elective franchise, are yet deprived of it by removal, I should have no hesitation in supporting it. That is one of the restrictions imposed by the present system of registration, which I desire to see removed; though I fear that very system of registration will, necessarily, cause the disfranchisement of a number, more or less, of those persons who are justly entitled to vote. But your Lordships ought to be very careful how you admit any person to vote, who possesses no property at all. If the present Bill pass, it will be impossible to prevent persons from voting, whose names were in the list at the last registration,—although they may have, subsequently, lost their qualification, and quitted the place of their register. This Bill is, in fact, one of the most wretched specimens of legislation I have ever seen. It extends only to the case of borough elections, and will give no redress to the agricultural constituencies. I therefore call on your Lordships, unless you wish to revive the system of out-voting, to reject the measure. If it become law, it may happen that a beggar will be brought off the streets of Exeter to give his vote at Warwick, if he happen formerly to have possessed a qualification for that place. I readily admit that the whole system of registration requires amendment; and I hope that the attention of Government will be directed to the subject; and that, early next Session, instead of in the month of July, a Bill for the remedy of the existing evils may be submitted to your Lordships. I cannot help thinking, however, that the Noble Earl opposite has taken a very narrow view of the question; and that, if your Lordships pass this Bill, you will only throw impediments in the way of an effectual revision of the law, by extending the franchise in a direction so objectionable. I beg, therefore, to move, as an amendment, that the Bill be read a second time this day three months.

The EARL of WICKLOW.—I do not feel called upon to make many observations, after the able and convincing speech of my Noble Friend who last addressed your Lordships. There is one objection, however, not alluded to by my Noble Friend, to which I wish to direct the attention of the House;—it is, as to the effect that a measure of this kind is likely to have on the constituency of Ireland, should it be extended to that country. The registration of county constituencies, in Ireland, occurs once in seven years. Now, a man

may lose his qualification; but, if the principle of this Bill be adopted, he will have the right of voting for seven years. The result will be, that a system of fraudulent and fictitious voting will be adopted, which will completely upset the registration of that country, and establish a state of things which will prove, if possible, worse than universal suffrage. I am obliged, therefore, to say that, now, and on all future occasions when such a measure as the present may come before your Lordships, I shall give it my most strenuous opposition.

LORD COLBORNE. — It is to me a matter of surprise, that a measure of this kind has not, long since, been the law of the land. I agree with the Noble Earl, that, if this Bill were applied to Ireland, with the present registration, it would be objectionable; but the registration in that country is essentially different from that which exists in England, and the measure is not intended to apply to the county constituencies. It is possible that a person may part with his qualification altogether; but, if he do so, he cannot vote under this Bill. The object of this measure is, that, when a voter moves from one house to another, in the same borough, he shall not be considered thereby to part with his qualification, but that he shall still have the right of voting. On the whole, I certainly think that a Bill of this kind will not give one party any advantage over another; but that it will be equally satisfactory to both parties, as they must be equally affected by it.

The DUKE of RICHMOND. — My opinion is, that the arguments of my Noble Friend who has proposed this Bill, bear, themselves, strongly against it; and before your Lordships consent to a change of this extent, you ought to feel assured that there is ample security that the persons who part with their qualifications continue residents in Hastings, or any other borough with which they may be connected, and that they are *bonâ fide* holders of houses of sufficient value to entitle them to the elective franchise. Under this Bill, however, a man may part with his qualification in Hastings, or elsewhere, and go to reside in London or Birmingham, or any other place, —and yet he is still to be entitled to vote for the place he has left. It appears to me to be very objectionable to open the door in this manner to all sorts of fraud; for persons may not only go into the workhouse, but into prison, and be still entitled to vote. I agree with the Noble Lord (Lord Redesdale), that a measure so deeply affecting the registration should be a general measure, and that it is most objectionable to legislate in detail on such a subject. I shall oppose this Bill as a piece of petty legislation, and one which would open the door to all kinds of abuses. If this principle is to be made applicable to boroughs, I do not see why it should not be extended to counties; and then, if a farmer, who is on the register for one county, remove to another, I cannot conceive, should this Bill pass, why he should not be allowed to vote at the elections for the latter, although he may not be on the register.

EARL FITZWILLIAM. — I certainly think that all the objections that have been urged against this Bill might be much better enforced in committee; and I trust that, as the measure has been sent up twice, already, to your Lordships, you will allow it to go into committee; for if you do not, it may appear invidious to the other House.

The EARL of DEVON. — I object to the Bill, as interfering in detail with the qualification and register enacted in the Reform Act; and that is a part of the Act which it was always stated should be final. The great thing is, that security should be afforded that the household qualification exist at the time of voting; but as this Bill will remove the great check to insure this object, I certainly shall vote for the amendment proposed.

The EARL of CLARENDON. — As I have heard no argument against going into committee upon this Bill, I feel it necessary to persist in my motion. I cannot help considering that some of the opposition that has been offered to it has somewhat of a personal character; and I am satisfied that, six months ago, the measure would not have been characterised in the manner that it has been by the Noble Lord who moved the amendment.

LORD REDESDALE. — I must beg leave to state that my observations were no ways personal, so far as the Noble Earl was concerned. I said, that a narrow view had been taken of a great constitutional question, and that the whole subject ought to have been considered: there is nothing personal in that. I say, still, that a narrow view has been taken of this question; and it is no fault of mine if any Noble Lord takes a narrow view of any question.

The EARL of CLARENDON. — I would ask the Noble Baron, whether he considers his last observations personal?

LORD REDESDALE.—No, I do not.

LORD HOLLAND. — Although the observations of the Noble Baron opposite may not be very personal, still the remark of my Noble Friend near me (the Earl of Clarendon), that the objections to the measure would not have been urged six months ago, is very pertinent.

The House then divided; when there appeared —

For the amendment . .	80
Against it . . .	39
Majority .	41

The Bill was then ordered to be read a second time on this day three months.

PRISONS BILL.

The House went into committee on this Bill.

Clauses 1. to 3. agreed to, with verbal amendments.

On Clause 4. being proposed, —

The BISHOP of LONDON said: — This clause provides that all books introduced into the prison shall be allowed by the chaplain, so that they be approved of by the visiting justices. Now, I think that the whole control should be in the chaplain, and that he alone should regulate or allow the introduction of books, as he is responsible for the religious instruction of the prisoners. I therefore beg to move that the words "or such as may be approved by the visiting justices" be omitted; and that, after the word "selected," the words "or approved" be added.

A NOBLE LORD. — I must take the liberty of saying, in reply to what has fallen from the Right Reverend Prelate, that as the justices have the power of appointing the chaplain, they ought, also, to be intrusted with the power of selecting books for the prisoners.

The BISHOP of LONDON. — What the Noble Lord has just stated, strongly confirms my opinion as to the propriety of agreeing to the amendment I have proposed. As the justices have the power of removing the chaplain if he misconduct himself, the power of selecting books might safely be intrusted to the chaplain.

A NOBLE LORD. — That is a good reason why the chaplains should not, by the operation of this Act, be allowed to defy the justices, who, generally, are men of the highest respectability.

The EARL of CHICHESTER. — I believe that inconvenience might arise, and has arisen, from not allowing the visiting justices to permit prisoners to have certain books. The chaplain, from conscientious feelings, might object to Roman Catholics and others reading religious works on topics connected with their peculiar faith; and this would operate as an unnecessary hardship on the prisoners. My opinion is, that the matter might, with advantage, be left to the discretion of the visiting justices.

The BISHOP of LONDON. — I think that the inconvenience which might arise, were my amendment adopted, would not be so great as would result from conferring on the visiting justices the power of forcing books into the prison against the wishes of the chaplain. I feel so strongly on this point, that I shall certainly take the sense of the House upon the subject, if my amendment be resisted.

The DUKE of RICHMOND. — The Right Reverend Prelate has admitted that it is possible that cases of hardship may arise. I believe, however, that such cases have occurred, and that they are open to the most serious objection. I certainly do not think that any danger could arise from giving the visiting justices power to grant the introduction of proper books into the prison. I shall, therefore, should your Lordships divide, feel called upon to vote against the amendment of the Right Reverend Prelate.

The MARQUESS of SALISBURY. — I intended to have proposed an amendment on this clause, but one which would not have gone quite so far as that now suggested. If, however, the Right Reverend Prelate persist in his motion, I shall certainly vote with him. Perhaps, however, it would meet the Right Reverend Prelate's views if a sort of concurrent power were given to the chaplain and justices. I would therefore propose that the clause should be altered so as to run — "with such suitable books as may be selected by

the chaplain, and approved by the visiting justices."

The BISHOP of LONDON. — I have no objection to such an alteration.

The EARL of CHICHESTER. — I certainly think that it would be inconvenient to leave a discretion in the hands of the chaplain, rather than in those of the visiting justices.

The EARL of WICKLOW. — I am sorry that the present amendment precedes the consideration of one on which it is likely there will be much difference of opinion, — one, relative to the appointment of chaplains; — because it appears to me that the chaplain will very probably think it his duty not to allow a Roman Catholic prisoner to read Roman Catholic religious books. In the part of the country in which I live, there are many clergymen who feel it to be totally inconsistent with their duty to allow a Roman Catholic to peruse books advocating the tenets of a creed different from their own. On this account I am anxious to avoid the possibility of such an intervention; and I shall therefore vote against the amendment of the Right Reverend Prelate.

LORD ELLENBOROUGH. — I am acquainted with a gentleman in the country, who is so far from acting upon the principle by which the clergymen referred to by my Noble Friend are actuated, that, when he has to visit a Roman Catholic prisoner, he makes a point of selecting the best books which he can find inculcating that doctrine.

The BISHOP of LONDON. — I can only say that, if I were appealed to, as the diocesan, I should take any clergyman to task who refused to allow a Roman Catholic prisoner the perusal of books written by members of his own religious persuasion. I do not, however, think it unnecessary that a discretion in the selection of such books should be confided even to a Protestant clergyman, as there are some books used by Roman Catholics which are highly objectionable. One I would refer to in particular, which, however, is a very favourite work with persons of that faith, — I mean the *Garden of the Soul.*

The BISHOP of EXETER. — I certainly consider myself bound to vote against the amendment of my Right Reverend Friend, — because I feel it impossible, for my own part, to put into the hands of a Roman Catholic, books containing doctrines of which I cannot conscientiously approve; and I should have thought it impossible, if I had not heard the contrary from so high an authority, that any clergyman could be a consenting party to putting into the hands of one of the prisoners, books which advocated doctrines different from those of his own church. That being so, I think that there should be some legitimate mode by which persons, who are, unfortunately, not members of the Church of England, might receive the assistance of some person of their own persuasion; and he ought to be the only party who should select the books that are required for their religious consolation.

LORD WHARNCLIFFE. — As the visiting justices act as a body, and not individually, I do not anticipate the evil which the Right Reverend Prelate apprehends.

The BISHOP of LONDON. — At all events, so far as the Church of England is concerned, I conceive that the visiting justices ought not to have the power of interfering with the chaplains in the selection of works for the prisoners. However, as I find that the House, generally, seem disposed to reject my amendment, I will withdraw it, — thus saving your Lordships the trouble of dividing.

The clause was then agreed to; as were also clauses from 5. to 16.

On Clause 17. being proposed, —

The BISHOP of LINCOLN said: — I certainly object to the principle involved in this clause. It is the first instance in which your Lordships have proposed to legislate for the payment of ministers of any other religion than the established church. Are the inmates of prisons the only persons who deserve the commiseration of the Government of this country? If your Lordships provide instruction for Dissenters and Roman Catholics in prisons, you will shortly be called upon to find instruction for Roman Catholics and Dissenters in other cases. I acknowledge, that all who contribute to the support of the state are entitled to receive education; but, then, it ought to be given by the clergy of the established church. Whether chaplains should be appointed to workhouses under the Poor Law, depends entirely on the board of guardians; but what do the Poor Law

Commissioners state? They say to the board of guardians, "If you appoint a chaplain at all, he must be of the established church." They, by that requisition, show, that they understand on what principle the connection of church and state in this country rests. This clause goes, in my opinion, to the co-establishment, if I may coin the word, with the church, of all religious denominations.

The BISHOP of DURHAM. — The inmates of prisons are deprived of any religious instruction which they might get elsewhere; and I would ask, whether they are to go without it at all? or whether they are not just those persons to whom religious instruction and consolation are most necessary, — to whom it is most charitable to give it, and most cruel to deny it? The case is entirely *sui generis*; and therefore not likely to become a precedent, or to be of that dangerous character which the Right Reverend Prelate seems to anticipate.

LORD WHARNCLIFFE. — According to law, the ministers of any religion to which a prisoner belongs, have access to him at all times; and therefore there is not, in point of fact, any want of spiritual instruction in the prisons; but I agree with the Right Reverend Prelate, that your Lordships ought not to open the doors wider in favour of Catholics and Dissenters.

The DUKE of RICHMOND. — I beg to ask, if the principle be good for anything, why should you limit it, as by this Bill, to 50 persons? It ought to be as applicable to 1 prisoner as to "50, or more." Thinking that the principle is a bad one, and that there is great objection to allowing clergymen of more than one persuasion to have co-extensive power in the gaols, I shall oppose the clause.

The EARL of FINGALL. — I regret to find that the Noble Duke, who is so great an advocate for separate confinement, and who knows, well, the benefit of religious instruction to prisoners, should find it necessary to vote against this clause. If the subject were taken up, upon religious grounds alone, I feel that I should be in a fearful minority, here; but it appears from the speech of the Right Reverend Prelate, that it is not taken up in that light; and it certainly has not been taken up in a political point of view, — because it has come from the other House supported by all parties, and by those who are there considered some of the warmest supporters of the established church. The Noble Duke has said the principle is bad, — or why limit the *minimum* number under the clause to the number of 50? but, surely, there must be some definite number; and after an inquiry in the various gaols, the number of 50 was fixed on. It appears that, in many of the prisons, the number of Roman Catholics is very considerable; in Liverpool it being found, on an average, 174; so that 50 is thought to be a very good limit. The Right Reverend Prelate has said that the principle is new. Undoubtedly, in England, it is so; — but it has long been recognised in Ireland; for every gaol there has a Catholic as well as a Protestant chaplain.

The EARL of WICKLOW. — I agree with the Noble Earl who has just spoken, that the principle has been established in Ireland, — so that it cannot be well called a new principle in the British dominions. The question is, whether what your Lordships are about to establish, now, is an advisable and just principle to adopt in the gaols of this country? It is, however, a curious fact, — and I believe it is not less true, — that, between the Roman Catholic and Protestant chaplains in the gaols in Ireland, there is not a single instance of any ill-will or dissension having arisen. It appears to me that the Right Reverend Prelate, who first spoke, would have been more justified in asking whether the Roman Catholic priesthood were to be at all admitted into the gaols? — but that is allowed by law; so that the present question is one rather of prudence than of principle, as to how far your Lordships will sanction this claim as a guard, and watch over the manner in which that duty should be performed? As to the limit being so large a number as 50 of one faith, the power of the clause will probably only be exercised in large towns; and could anything be more objectionable than that every individual prisoner shall choose some person to whom he will apply for spiritual instruction? I think, therefore, that prudence and good policy require this regulation of appointing one chaplain for a certain number, and over it; and that the visiting magistrates should have control over the education of the gaols. The result of that system would be infinitely better than what occurs under the present system. Your Lordships will see, too, that there is nothing compulsory in the clause. It rests with the visiting magistrates, if they shall so think fit, to appoint a chaplain; and I believe that London and Liverpool are the only two

places which will avail themselves of the power.

The DUKE of RICHMOND.— I think the appointments ought not to be optional with the visiting magistrates, but imperative on them.

The BISHOP of LONDON. — The Noble Earl who spoke last but one, has taken notice of this clause not making it compulsory on the magistrates to exercise the power which it confers. A little consideration, however, will show that that which is said to be discretionary, will be virtually compulsory on the magistrates. Then, as to the advantage to be derived from the circumstance of any chaplain, not of the established church, being chosen by the visiting magistrates, that, I think, would, in all cases, be questionable; but, as to the case of selecting Roman Catholic chaplains in Ireland, it is an analogy merely nominal, — for the selection is always made by the Roman Catholic bishops. With regard to this not being altogether a new principle, we are come to that at last. Your Lordships were told, when the Bill in question, and another Bill for extending privileges to Roman Catholics in Ireland, were before you, "The established church need never fear that this will be drawn into a precedent for England; the cases are quite different." And, certainly, upon many Noble Lords in this House, an impression was made by that statement. It is, undoubtedly, a new principle in this country; and I hope your Lordships will not sanction it. Great inconvenience, too, would arise from it; and this — because it is a wrong principle. It is impossible to doubt, that, if this advantage were given,— (I speak with the greatest respect towards the Roman Catholic church, but) — looking to the present state of controversy between the two churches,—it would be made the means of making proselytes in the prisons. The Roman Catholic priest would take advantage, in the prisons, of those peculiar opportunities which his religion affords him for disseminating his faith; and many months would not elapse before very many Roman Catholics would be found in your gaols. But, supposing the number of Roman Catholics to be so low as only 40 or 45 in any prison, how would you get rid of the assumed necessity for the Roman Catholic priest? With respect to paying and not paying these ministers, that is all the difference, — and not between the inmates of these prisons receiving or not receiving spiritual consolation. I believe, however, there is no difficulty in persons of different religious persuasions receiving religious consolation from their own teachers in our prisons; but there it is wholly gratuitous. If your Lordships sanction this clause, you may, at some future day, have the melancholy satisfaction of looking back, and saying that you, from motives of charity, did that which had ended in the subversion of true religion; and, with the subversion of all true religion, the loss of veneration and respect for any other. I hope, therefore, that your Lordships will not accede to this clause.

The LORD CHANCELLOR. — This proposition does not involve any general question; and if there be, on the part of the Right Reverend Prelate, any apprehension of danger from Roman Catholic priests being admitted into the prisons, and thereby making proselytes, I should say that the clause ought to be adopted, in order to guard against that danger; because, if there be danger as the law now stands, it will be lessened by this provision, as there will be only one Roman Catholic priest admitted, where many were admitted before, —and that one, too, in the power of certain individuals, and capable of being removed. Let your Lordships consider what you do, if you reject this clause. You are denying to the Roman Catholic, in prison, spiritual consolation altogether.

Several NOBLE LORDS. — No, no!

The LORD CHANCELLOR. — Can it be supposed that they will receive it from the clergy of the established church? They may be disciplined by the clergy of their own persuasion; but it is not in the nature of things that gratuitous attendance to 170 Catholic prisoners would be furnished by any member of the Roman Catholic clergy. The question, therefore, for your Lordships, is, whether these unfortunate persons are to go without spiritual consolation, or not?

The BISHOP of EXETER. — It is rather remarkable, that two very different modes of argument have been used for the adoption of the principle involved in this clause, in two different parts of the empire; — in Ireland, because the great majority of the people are of the Roman Catholic persuasion; and in England it is to be adopted, because they are so few, that only two instances of gaols containing 50 Roman Catholic prisoners can be found. Now, if there be any principle involved in this mode of putting the

matter, — and that there is, I think the speech of the Right Reverend Prelate below me has shown, — is that to be sacrificed for those two instances? But I would, in candour, say to the Noble and Learned Lord on the woolsack, that, if there be any justice in his argument, it would grow very rapidly when this clause should once have been passed; for within a very short time there would be, in every county in England, a Roman Catholic population in the gaol. The Noble and Learned Lord tells us that this clause is not intended to operate, except with respect to those prisons which shall have contained, for the last three years before the appointment, the average number of 50 Roman Catholic prisoners. As to Manchester and Liverpool, we find that those gaols already contain the specified number; and, with the known zeal of the Roman Catholics in this country to disseminate their doctrines, and the strong desire the professors of that religion, on all occasions, evince to be recognised by the state, together with the entire absence of any test by which the real religious opinions of the prisoners might be ascertained, I think there can be very little doubt that 50 persons would soon be found, in any gaol, who would declare themselves to be Roman Catholics. Every prisoner committed to gaol would have some offer made to him; — he would be bribed to describe himself as a Roman Catholic; —and, in a short time, we should have a Roman Catholic chaplain in every gaol in the kingdom. The Noble Marquess has asked, — "Are your Lordships prepared to deny to Roman Catholics, confined in gaols, the benefit of all religious instruction?" But, my Lords no such proposition is made. I believe that, without this clause, there would be no difficulty whatever in communicating religious instruction to Roman Catholic prisoners; and this, also, is the opinion of a chaplain who has attended 50,000 prisoners. And the Noble Marquess will see that, in this case, it is not proposed to inflict any hardship on the Roman Catholic prisoner, or to compel him to conform to the tenets of a religion from which he differs. All that could be required of him would be, to attend that form of religious service which every Catholic Peer and Commoner, of the highest rank in the country, did attend, for years after the Reformation, — and until prohibited from doing so by a Bull from Rome. With the Roman Catholic religion, some very peculiar considerations are connected, which make it exceedingly desirable that we should pause before we sacrifice a principle in order to introduce this clause. If there be one system of religion more than another that is dangerous for prisons, it is the Roman Catholic religion. It may be said that this sentiment is illiberal; — but when I remind your Lordships of the tremendous doctrine of absolution, maintained by the Church of Rome, I think you will not be disposed to dissent from it. I do not, however, ask your Lordships to concur with me, as to the danger of this doctrine, without proof. I have the evidence given before the committee of your Lordships' House, in 1825, by John Burnett, a dissenting Independent minister, on this subject, — not a member of the Church of England, but hostile to it, and very friendly to what was called Catholic emancipation. That gentleman says,—

> No Roman Catholic of the lower orders has any dread of final perdition. I have spoken with them frequently on the subject, and never found one of them who supposed he could go to hell. If they die in mortal sin, their doctrine is, that they must go to perdition; if, however, they apply to the priest for absolution, he must give it.

He goes on further, and says,—

> The confidence of the people in the absolution, which follows confession, is such as completely to destroy in their minds any fear of future punishment. I have found this to be the case generally; and in cases were they are convicted in courts of justice, they very seldom show anything like a feeling sense of their situation, — which, I conceive, arises solely from the conviction that the absolution enjoyed at the hands of the priest will do everything for them. I have myself seen thirty-five individuals in the dock together, sentenced to death, and I could not perceive the least degree of emotion, in consequence of the pronouncing of the sentence, — all which I attributed to the confidence placed in the absolution of the clergy.

Now, when I find this to be the effect of the Roman Catholic religion, I must hesitate long before I assent to such a clause as that now proposed to your Lordships. Certainly, I should hesitate, even if I knew that the cases of hardship resulting from the want of such a provision, were to be as numerous as they are said to be, now; — whatever the number might be, I should feel bound, in principle, to resist such a measure; — though, if the cases of hardship were many, I certainly should do so with pain and reluctance. But, as it is, I cannot but feel that it is a matter of great relief to me, that, in asserting a principle which, in my opinion, involves the most important consequences, I am inflicting, perhaps, some hardship on the tenants of only two gaols.

The House divided: —

Contents . . .	34
Noncontents . .	76
Majority against the clause	42

The remaining clauses agreed to, with verbal amendments; House resumed; Bill to be reported on Monday, and the Lords summoned.

CUSTODY OF INFANTS BILL.

Upon the Order of the Day for the second reading of the Custody of Infants Bill being read, —

LORD LYNDHURST said: — I regret, at this late hour, to have to call your Lordships' attention to this Bill; but I think I shall be justified in your Lordships' opinion, when I state, that my Noble and Learned Friend the Lord Chief Justice of the Queen's Bench is now present, and has attended here the whole evening; and, in consequence of his duties on the circuit, he will not be able to attend the discussion of this Bill on any future occasion; and I am sure your Lordships must be most anxious and desirous to hear the opinion of my Noble and Learned Friend upon it. I mention this in justification of my bringing forward this question at so late an hour: but it will be recollected, that this subject has been discussed on a former occasion in this House, and twice in the other House of Parliament; and it will not, therefore, necessarily occupy much of your Lordships' time or attention. My Lords, in a late Session of Parliament, a Bill similar to the present, but differing in some of its details, came from the other House, — having passed that House by a very large majority. When the discussion came on in your Lordships' House, there was a very thin attendance; but, after a long discussion, the second reading was lost by a small majority, — a majority of two voices, — there being 9 votes for the second reading, and 11 against it. The Bill has now come again up to your Lordships, — having passed the House of Commons by a majority greater than on the previous occasion: and I think, considering the sanction it has received, — considering that your Lordships can hardly be deemed to have, as yet, expressed any opinion upon it, — I have a right to ask your Lordships to come to the consideration of this question without any prejudice against it; and, from the nature of the subject, I am sure that it will receive the most anxious consideration. The first point to consider is, what is now the state of the law with respect to the subject to which this Bill applies? By the law of England, as it now stands, the father has an absolute right to the custody of his children, to the entire exclusion of the mother; — however pure may be the conduct of the mother, — however amiable, however correct, in all the relations of life, — the father may, if he think proper, exclude her from all access to the children; and he may do this from the most base and corrupt motives. He may be a man of the most profligate habits and character; and, from motives of lucre, of revenge, of hatred, or even with a view to induce her to connive at his own profligate conduct, he may exclude her from all access to their common children, — and the course of law will afford her no redress. This is the state of the law, as it at present exists. Need I state that it is a cruel law — that it is unnatural — that it is tyrannous — that it is most unjust? When I say that it is a cruel law, — who is it that knows the love the mother bears to her offspring — her intense affection for them — the pleasure and delight she receives in their smiles — the interest she takes in all their sorrows — the happiness she has in her superintendence of them, — who is it, that, knowing this, does not agree with me in saying, that to deprive her of all this, and from the basest of motives, is one of the most cruel inflictions that can be visited upon her? But when I satisfy your Lordships of its injustice, — when I state, further, that the determination of the father may effect this without reference to the character of the mother, — she being, perhaps, the most virtuous of women; whilst he may, for the base object I have stated, — from motives of self-interest, — deprive her of all access to her children, — do I not make out the proposition, that the law is not only cruel, but most unjust? And if I make out such a case to the satisfaction of your Lordships, does it not follow, almost of necessity, that it is the duty of the Legislature, if possible, to find some remedy? My Lords, allow me, further, to state — (and this must strike your Lordships as an extraordinary feature in this subject) — that the law I have stated applies only to legitimate children — it applies only to the case of the virtuous mother. If the children be illegitimate, and the mother's conduct has been, almost necessarily, profligate, the law is then directly the reverse, — the father, then, has no control over the child. In the one case, a pure, virtuous female is debarred, at the bare will of her husband, from all access to her child; while, in the case of the profligate woman, as I have stated, the father can exercise no authority, — the

mother has uncontrolled dominion over the child, and may dispose of it as she thinks proper. My Lords, I am quite aware that, in all questions of this kind, mere general propositions make very little impression, and that something of detail is necessary to carry the case home to the minds and feelings of men. It is, therefore, with a twofold view that I shall refer to three or four cases; — first, to show the cruel manner in which the law works; and next, to show how that law may be abused, for personal objects, on the part of the husband. The first case is a well known and remarkable one. It took place in the time of Lord Ellenborough. The husband was a French emigrant. He married a woman of some property, amounting to about 700*l.* or 800*l.* a-year. A settlement was made upon him, by which he would receive the interest of 2000*l.* in the event of his surviving his wife. They had one child — an infant at the breast — at the time to which I am referring. The husband was dissatisfied at the pecuniary settlement made upon him. He endeavoured to prevail on his wife to make a will in his favour. For certain reasons she refused to do so. What course did he then pursue? He immediately threatened to take the child from the mother, and go with it to the Continent. The mother was in the greatest distress and agony; the child not having been weaned, she thought she had a right to possess it, and she made her escape with it to her mother's house. The husband, by stratagem, got possession of the child. Application was then made by the mother to the Court of King's Bench, to obtain back the custody of the child; but Lord Ellenborough said he was powerless — he could not interfere; and the mother was obliged to endure the affliction of having the child taken from her, and placed in the hands of a stranger, — she being denied all access to it. This was a case of extreme cruelty and hardship; inflicted for the basest of purposes, — to obtain from the wife pecuniary concessions and sacrifices.

The second case is what is called Skinner's case. Skinner had treated his wife with extreme brutality and cruelty. A separation took place. He was living with another woman in a state of adultery. There was a daughter, six years of age, residing with the mother. The father insisted upon taking possession of the child. The case came before a Noble and Learned Friend near me, — and an agreement was entered into that the child should be placed in the custody of a third person. The husband became dissatisfied with this arrangement, and took the child away, and placed her in the custody of the woman with whom he was living in adultery. He was in prison for debt, — and it was proved that the woman took the child backwards and forwards to the father. An application was made by the mother to the Court of King's Bench — my Noble and Learned Friend being at that time a judge of that court — for a *habeas corpus* to have the child brought up and delivered to her former custody. My Noble and Learned Friend saw that it was a case of great hardship, and was most desirous to grant relief. He took some time to consider the point, and consulted with the other judges; but they were all satisfied that they could not interfere, and the application was accordingly dismissed. This, again, was a case of extreme cruelty.

The third case was that of Mr. and Mrs. Ball: they were separated by a decree of the Ecclesiastical Court, in consequence of the adultery of the husband. In that case the child was above the age of nurture. She was desirous of remaining with her mother. The father would not allow it: and she was placed under such circumstances that she had no society whatever, when the father took possession of her, but that of a servant of all work. Application was made for relief. The case came on before Sir John Leach, who was at that time Vice-Chancellor. The counsel had stated, "that the question really was, whether the child was to be deprived, by the brutal conduct of the father, of the company, advice, and protection of her mother, against whom no imputation could be raised." Sir John Leach said, "that some conduct on the part of the father, with reference to the income and education of the child, must be shown, to warrant any interference with his legal right;" and then he observed, —

I am bound to say, that in this case there does not appear to me to be sufficient to deprive the father of his common law right to the care and custody of his child. It resolves itself into a case for authorities; and I must consider what has been looked upon as the law on this point. I do not know that I have any authority to interfere; I do not know of any case similar to this, which would authorise my making the order sought in either alternative. If any could be found, I would most gladly adopt it; for, in a moral point of view, I know of no act more harsh or cruel than depriving a mother of proper intercourse with her child. I was, myself, counsel in two cases in which Lord Eldon refused petitions precisely similar. "Smith *v.* Smith," one of them, was precisely similar in its facts to the present case, except that the father's object, there, was to compel the mother, by

such means as are now complained of, to give up to him some property, which was settled to her own separate use. My course of argument in that case was, that, as the law allowed the mothers of bastards to retain possession of their children till the age of seven, so, *à fortiori*, must the law allow the care of legitimate children to be vested in the mother — (the child in that case was under seven). The Lord Chancellor, however, refused the order; and before any further proceedings were had, either the mother's or the child's death determined the question.

That was a very strong case; yet the Lord Chancellor held, that the court had no jurisdiction. The petition on behalf of Mrs. Ball and her daughter was ultimately dismissed.

There is only one case more with which I shall trouble your Lordships. It is that of Mrs. Greenhill. That lady, while residing in the country with her three children, for the benefit of her health, was informed that her husband, who was at sea in his yacht, was living in adultery with a woman named Graham, whom he had on board with him, and by whose name he sometimes passed. Astounded at this intelligence, Mrs. Greenhill went to Exeter, to consult her mother as to what she should do. She was advised to institute proceedings in the Ecclesiastical Court for a separation, on the ground of adultery. The husband, knowing the power which he had, sent his attorney to her, offering, if she discontinued the suit, to settle an allowance on her, — which she refused, stating, that she would have nothing but what the law allowed. He then sent again, to inform her that, unless she gave up the suit, he would take away the children, and bar her from all access to them. She resisted still, — and the husband then applied to the court for a *habeas corpus* to obtain possession of the children. The case was argued, in the first instance, before Mr. Justice Pattison, who took time to consider it; but he at length found that he was powerless to resist the application, and the order was made. It was then suggested that a Court of Equity might afford Mrs. Greenhill some relief; but there she fared no better; and this amiable lady, against whose purity of conduct not an imputation was even attempted to be cast, was obliged to separate herself from her friends in this country, and go with her three children to reside on the Continent, to avoid the service of the process of the court, and the consequent separation from her children. I will now ask your Lordships, whether, in stating the law to be cruel and unjust, I have stated the proposition too broadly, or in too general terms? Is not the law, in its present state, cruel in the extreme? Is it not unnatural? By the law of nature, the mother has, at least, as good a title to the custody of her infant offspring as the father can possibly have. And is not the law, in the extreme, unjust, when it can be made use of for such tyrannical, such arbitrary, such selfish, and such base purposes? Then, if I have made out this proposition, — can any one deny that I am entitled to go a step further, and say that it is the duty of the Legislature to provide a remedy? If that be conceded, then the only question that remains, is, whether the remedy proposed by this Bill is one which your Lordships will sanction, and ought to adopt? Now, as to the remedy proposed, I submit that, as far as regards the main object we have in view, the Bill is free from all objection. I do not ask your Lordships to pass a law for giving the mother the custody of the child, or the court authority to say that the mother shall have the absolute custody of the child. What I ask is much more moderate. It is, that the mother may make application to one of the judges of the Court of Equity; and that if, after hearing the case, the court shall be satisfied that the party is justified in calling for the interposition of the court, it may direct an order that the mother shall have access to the children, at such times and under such limitations and restrictions as, under all the circumstances, the judge shall think proper to impose. That is the main remedy proposed by this Bill. There are other remedies contained in it, which will require to be modified when they go into committee. One clause directs that, when the Ecclesiastical Court shall pronounce a sentence in a case of adultery, it may, at the same time, make such order as it may think proper as to the custody of the children. But, my Lords, what we have now to consider, is, the principle of the Bill. The question is, whether your Lordships will give to any judge the power of hearing cases of this description, and applying a remedy according to his own view of the justice of each case?

I have heard objections against this measure, — and they have been urged with great eloquence; but when I consider them, it does not appear to me that there is any just weight or solidity to be attributed to any one of them. It has been said that, by the common law of England, the wife is subject to the husband, and is made the victim of oppression and hardship; and that it would be idle to legislate on one particular case of hardship, while we leave the whole system untouched. We are told that, if the wife gain property by her own individual labour and exertions, the husband

has a right to deprive her of it. I am aware that this Bill does not go so far as to interfere with the rights which the husband now possesses in respect to property; but, on that head, the rule is governed very much by the practice of the courts. But, passing that by; — suppose that there be these complaints as to the general state of the law affecting the relative situations of the husband and the wife, — is that any reason why we should not, in a case of this kind, where the hardship is so glaring, and the injury so palpable, attempt to devise and apply a remedy? And I must add, that, of all the supposed hardships which might attach to the case of the married woman, there is none more cruel than the particular instance that we are now considering, and with respect to which we are now called upon to legislate. We are told that there are but few cases of hardship of this kind, — that we can cite no more than three or four. The answer to that is quite obvious. In the first place, a female must sustain much injury, before she will venture to come into a court of justice to make a complaint against her husband. But, passing that over, the great and obvious reason why there are so few cases is, that the law is so distinct, so clear, and so precise, — and so much to her disfavour, — that it is idle, in most instances, for her to complain to a court of justice. How, then, can it be said, because there are but few such cases on the law books, that, therefore, in the range of society, but few cases of cruelty actually occur? Then, it is said that it would occupy a considerable portion of the time of the courts of justice, if such a discretion as I propose were given to the judges: but if the injury inflicted under the present state of the law, be great, can that be made an argument why we should not afford redress? But, my Lords, the objection is worth nothing; for give but a power to the court to afford redress, — and then what will happen? The party, knowing that an application might be made to the court, and conscious that his conduct had been bad, would shrink from exposure, — and the matter would be arranged out of court, by the interposition of the mutual friends of the parties Again: it is said that this Bill would have the effect of rendering separations more frequent; and that that which now prevents separations between husband and wife is, the affection of the mother to her children, who, from the dread of being separated from them, is induced to submit to much harsher treatment than she otherwise would do. But what, in effect, is this, but an argument encouraging the husband to tyrannise over the wife? Now, viewing it in another light, the objection will not appear to possess any real solidity. For what is the effect of a woman's being separated from her husband? — not only the loss of her station and character in society, but also the loss of the custody and care of her children; and it must be a strong case, indeed, — almost an irresistible case, — that will induce a woman to institute proceedings for the purpose of effecting a separation. And, apart from other considerations, it does not appear to me that the mere knowledge that she is debarred of all access is likely to operate, in any very great degree, to prevent separation. My Lords, I know it is not usual to reply to objections before they are made; but this Bill having been so frequently discussed, — having come, now, for the second time before your Lordships, — and having been passed on three several occasions, by very large majorities, in the other House of Parliament, — I could not avoid trespassing on your Lordships' time, in touching upon those objections which, having been urged against the Bill on former occasions, have now become, as it were, public property. I have touched on some of the principal of those objections, and have stated what I consider to be the obvious answers to them; and I come back to my original proposition, which is this: — I have laid before your Lordships a case of cruelty — a case of extreme hardship — a case of great injustice, under the existing law, — and I say that, under the circumstances, it is your Lordships' duty, as legislators, to provide a remedy. That remedy I consider to be contained in the Bill which I now call upon your Lordships to sanction, by allowing it to be read a second time, in order that we may go into committee upon it, and then make those alterations in the details, which shall render it effectual for the purpose. My Lords, I beg pardon for having occupied your Lordships' time at this late hour of the night; but, regarding this measure as one of great and general importance, — and considering that my Noble and Learned Friend who, with me, takes an interest in its success, could not be present on a future evening of this Session — I should not have felt myself justified in postponing it to a future period. My Lords, I beg to move that this Bill be now read a second time.

Upon the question being put, —

LORD WYNFORD said: — My Lords,

with many things which have been stated by my Noble and Learned Friend I entirely agree. I agree with him as to the present defective state of the law. My Noble and Learned Friend has called my attention to a case in which I was one of those judges who laid down that law,—not for the first time, for I followed, on that occasion, the authority of numerous precedents; but, as my Noble and Learned Friend has said, I expressed my sorrow that I had not the power to give the relief which was sought for by the injured woman. Therefore I concur with my Noble and Learned Friend, not only that the law is as he has stated it,—but I agree with him, also, that it is necessary to make some alteration in it; but we differ as to the nature and the mode of that alteration. I deny that the present Bill is a remedy for the defects in the existing law. On the contrary, I consider it one of the most mischievous Bills that was ever introduced into the House of Commons. I think that a good Bill might be passed, by which justice might be done to the children, — who ought to be the first objects of your Lordships' care; while, at the same time, you should not neglect the interests of the wife and the husband. If such a measure were brought forward, — to do justice to all parties concerned, — no one among your Lordships would be found more zealous in supporting it than myself. The law recognises the husband as the natural supporter of the children. He has the greatest interest in taking care of them; because, if he bring them up properly, he promotes their interests and the welfare of his own family; and, if not,—he produces its ruin. Therefore it is highly proper that the husband should have the care of the children. That is admitted in this Bill; and it is also admitted, that the right of the husband to the custody of the children cannot be interfered with. Now, I should have no objection, if the husband misconducted himself, that the children should be taken from him and handed over to the care of the wife, if her conduct were proper. But if both had acted improperly, then I would take the children from both the unworthy and unnatural parents, and place them under the custody of some other person, to protect their health and morals. But my objection to this Bill is, the giving the custody of the children to the one parent, and the right of access to them to the other. When this is done, the children never can be brought up properly. When a husband and wife are separated, what is the state of their feelings towards each other? On the part of the wife, her feeling will be either that of hatred or of contempt. Now, if she were allowed access to the children, what principles would she instil into them? Would she not teach them to detest their father? I believe that it will almost invariably be found, that when a woman is separated from her husband, she is constantly abusing him. The great object of matrimony is the virtuous bringing up of the children;—that would be destroyed, if the wife were allowed access to them, were permitted to see them alone, and to have the power of instilling into their minds whatever notions she might think proper. If the husband were disposed to inculcate good principles into the minds of his children, when present with them, it is clear that, in many cases, his efforts would be rendered abortive, if the wife were permitted to have access to them. The conclusion, then, to which I come, is this,—that, give the custody of the children to which parent you please, you cannot allow access to the other, without preventing their being properly brought up.

My objection, then, is, that in this Bill there is no proper provision made for the children,—no inquiry as to which of the parents may have acted right or wrong,—and no security taken, that the custody of the children shall be given exclusively to the parent whose conduct has been proper and right, and denied to the other, who has been, perhaps, guilty of improper and immoral conduct. The Bill allows the husband still to have the control over the children, however improper may have been his conduct, and however careless he might be of their welfare. In such a case, perhaps, no harm could come, if the wife had access to them; but if, on the other hand, the father wished to bring them up in the principles of virtue and morality, the mother might, if she were allowed access to them, destroy all the efforts of the father. My Noble and Learned Friend does not propose to give access to the mother, if she has been convicted of adultery; but some of the most infamous women have never been convicted in a court of law. I was, myself, counsel in a case in which the adultery was as clear as possible, and yet I obtained a verdict for the defendant; and the consequence was, that when the husband applied to this House for a divorce, he could not succeed. I might refer to another case, which came within my own knowledge; it occurred in Hampshire. A gentleman came home somewhat earlier than was expected, and detected his wife in the embraces of his footman. There was no witness but the husband; and, of course,

he could not obtain a verdict. Now, let me ask your Lordships, would it be safe or proper to give such women access to their children? There are many other cases in which it would be equally improper that the mother should have access. If adultery be contemplated, the mind is equally contaminated as though the crime were committed, and the party would be equally unfit to interfere with the direction of the children. Then, again,—suppose it is known that a woman has endeavoured to ruin her husband,—or that, at every opportunity, she has endeavoured to poison the children's mind against their father,—would it be proper to allow access in those cases? But it may be said, my Lords, that this might be proved in court, and would form a special ground for refusing the privilege. But how could it be proved? There would be no witness but the children themselves; and where is the parent who would not deserve to be deprived of the custody of his children, who would call a child into court to prove such a charge against its own mother? And, in all cases, when separation has taken place, there is much angry feeling between the parents, which would undoubtedly lead—if access were allowed to both—to the sort of division and confusion I have stated. What I contend for, then, is—that no access should be permitted to either party who has been guilty of misconduct; and if both parents have misconducted themselves, then, that both should be deprived of the custody. I would wish to see a more extensive, and, at the same time, a cheaper, remedy than is at present given. Under the existing law, if the husband be guilty of misconduct, the Court of Chancery has power to give a remedy, and to take from him the custody of the children. I am sorry that the remedy is so difficult to be obtained, and that the expense is so great. I know that the Court of Chancery is like all courts of justice, which, according to Horne Tooke's description, are like taverns,—that is, open to all—but to those most, who have most money. As I have said, my Lords, I should have no objection to a measure which would give what I consider to be a proper remedy for the evil complained of. I should be delighted if my Noble and Learned Friend would bring in a Bill to lessen the expenses of obtaining the remedy from the Court of Chancery, and to give to that court the power of taking children from the custody of an unworthy father. But I cannot consent to make the father responsible for the proper bringing up of the children, while, day by day, the mother has access to them, and endeavours to poison their minds against their father, and to inculcate into them feelings and principles totally at variance with those which they receive from him. My Lords, I am decidedly of opinion, that though, by the present measure, you might relieve some women who might merit relief,—yet, where one woman would be properly relieved, the ruin of a hundred children would be worked by allowing access to an angry mother. Under these circumstances, I shall feel it my duty to propose that this Bill be read a second time on this day six months. And I now beg leave to move, as an amendment, to leave out the word "now," and insert "this day six months."

Question put, that the word "now" stand part of the motion.

LORD DENMAN.—My Lords, I am quite of opinion that this Bill ought not to be settled by the votes of the Law Lords, merely. They may bring forward the result of their legal experience; but I think the measure ought to be carried or rejected by the sense of this House at large. I think, my Lords, that, after the case which has been stated by my Noble and Learned Friend (Lord Lyndhurst) as to the present state of the law, it is quite impossible for my other Noble and Learned Friend not to admit that some alteration of a sweeping nature is absolutely necessary, in order to do justice, and to prevent the most monstrous and frightful consequences resulting to society at large, from the evils of the present law. In Skinner's case, which was tried before the Court of Common Pleas, it was settled, that, though the Court of Chancery had, the court of law had not, the means of depriving the husband of the power to remove his child; and my Noble and Learned Friend, who has just spoken, was compelled to say,—"We have no power to control the husband, nor can we prevent his kept mistress from being the guardian of the child." In the case of the "King *v.* Greenhill," which was decided in 1836, before myself and the rest of the judges of the Court of King's Bench, I believe there was not one judge who did not feel ashamed of the state of the law that he was obliged to administer; and who did not know that that law must be odious in the eyes of the country, which compelled him to say,—"You, a young father, and the husband of a young wife, shall be at liberty to take your children, all under six years of age, from the cus-

tody of that blameless wife, and place them in a situation where they will be under the charge and control of the abandoned woman with whom you cohabit." While I have felt, for some time, that this was a subject for which a remedy should be provided, I, at the same time, knew it to be one of great delicacy; and I must say that former remedies, which have been proposed, did not appear to me entirely free from all reasonable objections. But, after having looked at this Bill with the most anxious responsibility, I am bound to declare that, in my opinion, the Bill, as it now stands — (not regarding, now, those small matters of detail which may be easily corrected in committee), — does apply as efficient a remedy to those domestic differences which it concerns, as can be applied; and that there is no reasonable ground for supposing that any evil consequences can flow from it. The first provision is so reasonable, and so just, that I think it is impossible for your Lordships to say it shall not pass. It applies to the case wherein the wife shall have sued the husband for adultery, and shall have succeeded in making out her case,—and it proposes that the court which pronounces the separation shall have the power of saying in whose custody the child shall thereafter be placed. How is it possible for your Lordships to refuse to go into committee upon this clause? Then, as to the second; — the Courts of Equity are more properly to be considered as the guardians of the children over whose fortunes and custody they have control. But when we consider that, where a party has improper custody, the child can be removed by *habeas corpus*, which can be granted only on application to a judge of the common law, — I do not see any better course than to give the same judge the power and opportunity — no misconduct on her part being found — to say how far the mother shall have access to the children. But, at the same time, I should observe, that this is a power which neither myself nor my brother judges are anxious to be intrusted with. But, wheresoever this power shall exist, I apprehend that the proposition is no more than just and reasonable, which says, that if the father has the custody of the child, let the mother have the power to see that it is properly brought up, — that its health is not neglected; and that she should know whether her child be living or dead. But, then, it is said, this licence may be abused. But the Bill provides against abuse; for it states, that, when abuse can be shown, the mother shall no longer have access to the children. My Noble and Learned Friend (Lord Wynford) has stated that it would be next to impossible to prove abuse. But I do not see that; — I do not see why a third party should not be present during the visit of the mother. I have heard no reason why the mother — always providing that her conduct be discreet — should not have the power to visit her children, under proper restrictions. We know that cases have occurred in which the child has died, the mother not knowing in what part of the country it was, and being made acquainted with its death only through the medium of the public newspapers. It has been objected to this measure, that it would conduce to separations. I believe it would have a contrary effect, — and that it would be likely to bring separated parties together again. I know nothing that would be more likely to promote that end, than that both should have access to the objects of their common affection. Therefore, the danger of this innovation — and it is an innovation, no doubt — appears to me to be as nothing. While the law, as it now exists, is cruel to the wife, it is debasing to the husband, — allowing him, with impunity, to act the part of the base and corrupt tyrant; and it is alike ruinous, both to the health and morals of the children, — who can have no security so complete, when a profligate husband has taken possession of them, as the occasional inspection of the mother, and her thus having an opportunity of knowing what is their treatment, and the exact situation in which they are placed. There is a third provision, by which, when the children are in custody of the father, the mother may go to a judge of Equity,—and the judge of Equity may decide, if he shall see proper so to do, that the father is unfit to have the custody, and that the mother shall possess the children. The odium, then, arises in another way, — that is, in case the father should demand access — the children being in the custody of the mother. But, my Lords, if there be reasons why the parties cannot live together, and they accordingly separate, and the custody of the children has to be disposed of by the public authorities, I would ask, — is it not reasonable, is it not just, that the mother, having conducted herself in a proper and exemplary manner, should have that which she prizes more than all else in the world? Is it right that her suffering should be aggravated, by being deprived of that which is her only remaining comfort, and the only solace in her affliction? Then, my Lords, believing, as I do, that this measure is one of justice and humanity, — that it proposes a most useful

and desired improvement in the existing law, — and being, for my own part, unable to conceive that any of those evils which my Noble and Learned Friend has anticipated, can possibly result from it, — I do hope that your Lordships will allow the Bill to be read a second time; and if you do, — knowing that the principle is good, — I have no doubt that it will pass through committee without any material alteration. And, my Lords, I must be allowed to add, that, after the great discussion this question has undergone, and after the large majorities by which this and similar Bills have been carried in the other House of Parliament, it appears to me that it would be a matter of grave responsibility if your Lordships were to reject this measure.

The LORD CHANCELLOR. — It will be in the recollection of your Lordships, that, in a former Session, I stated my opinion, that it was advisable that some measure should be passed to correct those evils which, under the present law regulating the custody of infants, too frequently result; and to guard against the oppression and hardship which are often inflicted by the husband upon the wife. Still, my Lords, I considered then, and do now, that, without much caution, we should probably cause greater evils than those which we seek to remedy. One great danger to be apprehended, in endeavouring to arrange these points of dispute between husband and wife, is, that we may lose sight of that which ought to be the primary object, — namely, the conservation of the interests of the children; — and I cannot help thinking that, in the framing of the present Bill, that object has not been sufficiently attended to. It appears to me, too, that a jurisdiction is attempted to be given, which must be wholly inadequate. Take the first clause, which confers a jurisdiction on the Court of Arches to decide upon the custody of the children. Why, what can the Court of Arches know of the state of the family, so as to enable it to adjudicate in this matter? I conceive that, by agreeing to this clause, your Lordships would be conferring upon the Ecclesiastical Courts, a new jurisdiction which they have not the power to exercise. The mode prescribed for taking care of the morals and education of the children must, I conceive, prove, in practice, very inadequate to these purposes. My Lords, I think these are very strong objections to the machinery of this Bill, — and such as, to the extent of the two first clauses, at least, would render it impossible for your Lordships to adopt the Bill. At the same time, I do not see why power should not be given to that jurisdiction, — the only jurisdiction which is in the habit of exercising control over the common law right of the parent to the custody of the children; and, if exercised with proper caution, I conceive it would have a tendency, not only to prevent those great evils that occasionally occur, but I believe the very fact of the existence of such a power would have the effect of preventing its being put in practice. Your Lordships will be aware that the powers of the Court of Chancery are peculiar in their nature, — powers capable of being exercised in some cases, but not in others. That court has the general jurisdiction over the property of infants, and, where the infant has property, it exercises a jurisdiction over the infant; but that court has no power in ordinary cases. If 100*l.* be settled upon the child, then the court has power, but not else. I quite agree that it would be well if the Court of Chancery had the power to interfere in cases where there is no nominal settlement; and if it be the pleasure of your Lordships' House to give to the Court of Chancery a certain control over the custody of infants in all cases, as between the father and the mother, it will be the primary duty of that court to take care of the infant. I am aware that, when the parents of the child are at variance, it is a matter of great difficulty so to arrange the claims of the two parents to the custody, as not to do an injury to the child itself. But, with due caution, and paying the requisite regard to the interests of the child first, and of the parent next, it does appear to me that we might, if we had the power, do much to obviate that injustice and hardship which are now so properly made the matter of complaint. At this late hour, I will not further intrude upon your Lordships' attention.

The question was then again put, and resolved in the affirmative; Bill read a second time accordingly, and committed to a committee of the whole House on Monday next; and the Lords summoned.

PRISONERS' TRIAL BILL.

To be read a second time on Tuesday next; and the Lords summoned.

REGISTERS OF BIRTHS, &c. BILL.

Brought from the Commons; read a first time, and to be printed.

BEER ACT IN PART REPEAL BILL.

Recommitment (which stood appointed for this day) put off to Monday next; and the Lords summoned.

LOWER CANADA GOVERNMENT BILL.

Brought from the Commons; read a first time; to be printed, and to be read a second time on Tuesday next.

COUNTY COURTS.

Bill, "for enabling Justices of Assize and Nisi Prius, Oyer and Terminer, and Gaol Delivery, to hold Courts for Counties at large in adjoining Counties of Cities and Towns, and conversely," presented by the LORD WHARNCLIFFE; read a first time, and to be printed.

TITHE COMMUTATION ACT.

Petition for alteration of, — of the Reverend Charles Miller, incumbent of the vicarage of Harlow, Essex. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL).

Petitions against the plan recommended by the Privy Council, — of clergy, landowners, and others of the hundred of Wirral, in the county of Chester: and of inhabitants of Houghton; and Over Wallop. — Read, and ordered to lie on the table.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Petition against, — of wine merchants in the immediate neighbourhood of the proposed *terminus*. — Read, and referred to the select committee on the Bill.

PAPERS.

On the motion of the BISHOP of EXETER, Address for — Copy of despatches or extracts of despatches from the Colonial Secretary and Sir G. Arthur, relative to the clergy reserves in Upper Canada.

Account of the total expense incurred by the Commissioners of Religious Instruction in Scotland, from the 29th of July, 1835, to the latest period at which the same can be made up. — Delivered (pursuant to Address of the 25th of March last), and to be printed.

Fourth Report of the Inspectors of Prisons (Part 3. Southern and Western District). — Delivered (by command), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Weguelin's Divorce Bill. — Read a third time, and passed; evidence to be returned to the Lords.

Earl of Stamford and Warrington's Estate Bill. — Reported, without amendment; read a third time, and passed.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill. — Leave to committee to sit till half after four of the clock, during the sitting of the House.

PUBLIC BUSINESS.

RETURNS, &c.

The following Returns, &c. were severally presented, and ordered to lie on the table; namely, —

East India Company. — Return of copies of representations, with their dates, received by the Court of Directors from presidencies in India relative to steam communication, with the replies (ordered the 1st of August, 1838).

Fort William and Madras Judicature. — Copies of rules and orders that have passed the Supreme Court of Judicature at Fort William, on the 15th of June, 1837, and at Madras on the 22d of February, 1837 (ordered the 9th of July).

Crown Teinds (Scotland). — Further Return, showing the proceedings which have been taken by the Commissioners of her Majesty's Woods, &c., in order to make Crown teinds available to the public (Address the 6th of June).

Commissions (Scotland). — Return of commissions issued by the Crown or Parliament in relation to Scotland, from 1830 to 1838, the objects of the commissions, number of commissioners, &c. (Address the 11th of April).

Poor Rates (Lambeth). — Copy of a communication addressed to her Majesty's Secretary of State for the Home Department by the poor law guardians of Lambeth, relative to the refusal of the churchwardens, &c. to furnish means to the guardians for administering relief, &c. (Address the 15th of July).

BIRMINGHAM RIOTS.

Petition of William Lovett and John Collins, complaining of the treatment they have received whilst under confinement in Warwick Gaol, upon a charge of publishing a seditious and malicious libel.

On presenting this petition, Mr. LEADER said: — The petitioners state, Sir, —

That on the 6th of the present month they were apprehended at Birmingham, charged with having published a seditious and malicious libel, tending to excite disaffection and discontent towards her Majesty's person and Government, and to cause a breach of the peace; that they were forthwith taken to the Public Office, where they were kept in custody for some time, and then brought before a bench of magistrates, and questioned respecting certain resolutions which had been placarded on the preceding day; that, at half-past eleven o'clock at night, they were committed and lodged in the gaol until the next morning at seven o'clock, when they were removed to the county gaol at Warwick; that they were then formally committed; that bail was demanded for their appearance at the assizes, in the sum of 1000*l.* (500*l.* by each of the petitioners, and two securities in 250*l.* each); that when they were removed to the county gaol of Warwick, they were stripped stark naked in the presence of two turnkeys, and in that condition examined all over, to discover if there were any particular marks on their bodies; that they were then taken into a room in which there were not less than eight prisoners, recently brought into the gaol, and with these men (some of whom were in a filthy state) were compelled again to strip themselves naked, and bathe in the same cistern of water as these men did, and dry themselves, as well as they could, on the same towel; that a common felon was ordered to cut the hair of the petitioner William Lovett; that their shirts were taken from them, and the initial letters of their names, in Roman letters an inch long, stamped thereon in indelible ink; that they were then put into a ward containing twenty-two prisoners, one of whom was infected with the itch; that they were limited to a common gaol allowance, and no one was allowed to supply them with any addition thereto; that, during eleven hours out of the twenty-four, they were locked up in a vaulted cell with a brick floor; that in this cell there was neither chair, stool, nor table; that they

were compelled, under the penalty of solitary confinement, to make their own bed in a particular manner, and each morning to fold up the mattress, &c. in a close and compact form, to the exclusion of the air, — so that, when they were unfolded in the evening, the smell was offensive to an extent not to be conceived; that they were prohibited from seeing any person, except in the presence of the gaoler, at certain fixed times, and then only for a few minutes, a wicket gate, with spikes at the top of it, being between them and their friends; that their watch and money, and everything else their pockets contained, were taken from them; that no books or printed papers (the Bible and Prayer Book excepted) were permitted; that they were debarred from the free use of pen, ink, and paper, no letters addressed to them were delivered to them until they had been examined, and every part of the paper which was not written upon carefully torn off; that they were only allowed to write to any person, however necessary it might be, in a particular room, where other prisoners were also allowed to write, in which they were locked up, and were compelled to leave their letters open to be examined, before they were despatched by post: that they, at the same time, beg to be understood as making no complaint of the personal conduct of Mr. Atkins, the governor ——

Mr. FRESHFIELD. — I rise to order. It is distinctly understood that no petition is to be read at length: that is the rule laid down by the House; and though there can be no objection to a statement of the purport of this petition, I apprehend that the Honourable Gentleman is, clearly, out of order, in reading this fully.

Mr. LEADER. — It is a pity the Honourable Gentleman did not interrupt me before, as I have nearly got to the end of the petition. The reason why I have read so much of it is simply this: — the petition was placed in my hands about five minutes before I entered the House; it was utterly impossible for me to make myself acquainted with the facts in so short a time; and I trusted that the House would permit an exception in a case of this sort, where great hardship has been inflicted; and, if inflicted under the authority of the law, the sooner we proceed to the alteration ——

[Cries of "Order!"]

Mr. SPEAKER. — The Honourable Gentleman is clearly departing from the rule of the House with regard to the presentation of petitions. He was out of order in reading the petition at length, and he is now out of order in commenting upon it. It was open to the Honourable Member to have moved that the clerk do read the petition, if he was anxious to have its contents made known to the House.

Mr. LEADER. — I am quite aware, Sir, of the rule of the House, and am prepared to submit to it. But I did not think that, in such a case as this, the House would insist upon it, strictly. If I thought proper, I could now move that this petition be taken into consideration; and, if that motion were seconded, as I know it would be, the House would be obliged to have the whole petition read, at once, for its consideration. The petitioners pray the House to take these allegations into its consideration, because they believe that they have been subjected to treatment such as no Englishmen ought to be subjected to while under bail, and unconvicted of any crime. I entirely concur in their prayer; and I think it is the duty of the House—supposing these things to be done according to law — to look to the state of the law, with a view to its amendment. I shall now move that the petition be printed; and I give notice that, on the first motion day, I shall move that it be taken into consideration.

Mr. FOX MAULE. — If the Honourable Member for Westminster received the petition only five minutes before he presented it, and now urges that fact as a reason why he could not make himself sufficiently acquainted with its contents to give an abstract of it, I think it would have been better for him, seeing that it involves such serious charges, to have kept it in his possession for another day, in order to afford the Honourable Member for Warwickshire, who is so closely connected with the subject, an opportunity of answering these allegations, — not against him, certainly, but against the keeper of the gaol. I have seen a communication from Dr. Taylor, from which I am very much inclined to doubt the allegations of that petition. I have no objection to its being printed; and I am quite sure that if the regulations of this gaol be inconsistent with the general rules of all gaols, they will be altered as far as it may be necessary.

Mr. LEADER.—I have made no charge against any man, or any set of men; I have merely set forth the facts of the petition; and as it is to be printed, there will be sufficient opportunity for any one to examine it before it comes under the consideration of the House. I have no reason to doubt the statement of the petitioners. There is not a more honourable man in existence than Lovett; and I believe I may say so of Dr. Taylor and Collins, — but for Lovett I can answer, from my own knowledge.

Petition ordered to be printed with the Votes.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Collection of Rates Bill, — By Mr. LEADER, Mr. BARNARD, and CAPTAIN PECHELL, against, — from the representative vestrymen of St. Marylebone; St. Paul's, Deptford; Brighton; and St. Clement Danes.

Elective Franchise (Ireland), — By Mr. JOHN O'CONNELL, for equalisation and extension, — from Finglass; Walshistown; and Dromod.

Bank of Ireland, — By Mr. JOHN O'CONNELL, Mr. J. POWER, and Mr. ELLIS, against renewal of the charter, — from Athlone; Gorey; Kells; and Trim.

Church of Scotland, — By Mr. LOCKHART, and Mr. F. MAULE, for extension, — from Saddell and Shipness; Glasgow (lord provost); and Dalziel.

Postage, — By SIR G. GREY, LORD VISCOUNT POWERSCOURT, COLONEL SALWEY, and Mr. DIVETT, against the measure requiring stamped letter paper or envelops, — from Truro; Bath (chairman); Exeter; and Ludlow.

By SIR G. GREY, Mr. TURNER, and SIR B. HALL, for a low uniform rate, — from Abergele; East Stonehouse; Balbriggan; Harrogate; Dunbar; John Epps, M.D., and others; and Neath.

Education, — In favour of the proposed scheme, — from Banff; and Colyton.

From Abbotts Leigh, against the proposed scheme.

Maynooth College, — By LORD POWERSCOURT, against further grant, — from Rolvenden; and Bath.

Poor Law Act, — By Mr. ELLIS and SIR T. ACLAND, for amendment, — from Churchstanton; and guardians of the Leicester union.

First Fruits and Tenths, — Of clergy of England and Wales, for the repeal of all Acts legalising the exaction of first fruits and tenths.

Stage Coach Duties, &c., — By Mr. DENISON and others, for repeal, — from stage coach proprietors in the county of Somerset; stage coach proprietors of Suffolk; Hastings and Tunbridge Wells; and counties of Surrey and Middlesex.

Limerick Marble Stone, — By MAJOR WOOD, — of Robert Adams, alleging the superiority of the Limerick marble stone, as being the cheapest and most durable that can be used in the construction of the new Houses of Parliament.

Poor Law Unions (Gilbert's Act). — By Mr. CAYLEY, — of Randall Gossip, for repeal.

THE EARL OF HARDWICKE.

Mr. YORKE. — I rise, Sir, to give notice of my intention to move for a select committee to inquire into the allegations contained in the petition presented yesterday by the Honourable Member for Oldham, complaining of the conduct of the Earl of Hardwicke and the board of guardians of the Caxton and Arrington union. The House will scarcely believe that the Honourable Member presented that petition without giving anybody an opportunity of at once meeting the allegation it contains. I request to know from the Honourable Member, first, by whom that petition was sent to him? secondly, whether he has taken any steps to ascertain the truth of its allegations? thirdly, whether it was sent to him by the persons whose mark, alone, is attached to it, without any attestation? and, lastly, whether the Honourable Member intends to follow the petition up by any specific motion?

Mr. FIELDEN. — The petition was sent to me, some months ago, by a clergyman of the Church of England; and, as it contained nothing improper, I felt it my duty to present it to the House. The rules with regard to the presentation of petitions prevented me from making any statement upon it; but I will now state, for the information of the House, that I, yesterday morning, received a communication from the same quarter, stating that the man in question had been committed to prison as a rogue and vagabond, when he had produced no less than eighteen individuals to prove that he was not such. I do not mean to follow up the petition by any motion; but, if the Committee on the Poor Laws had been still sitting, I should have certainly moved to have this petition referred to them, — for I believe the facts it contains to be true. I may as

well state, that the Reverend Mr. Maberly is the individual who sent me the petition.

Mr. YORKE. — Then I demand, as an act of justice on the part of this House, that it will grant me a select committee — (of which I do not request to be a member) — for the purpose of investigating the allegations of that petition; for I am certain that never has any case, got up against the Poor Law, been so completely demolished, as will this case be, upon inquiry. I hope the Noble Lord at the head of the Home Department will grant me an opportunity to inquire into the matter, — not for the sake of redeeming the character of the Earl of Hardwicke and of the board of guardians, but on the public ground of showing the manner in which the Poor Law is assailed by cases that are got up in this way. I am fully convinced, from my own knowledge of the facts of the case, that, if the Honourable Member for Oldham had inquired into the matter, he never would have committed himself by presenting the petition. I therefore give notice, that, on Tuesday next, I shall move the appointment of a select committee.

Mr. FIELDEN. — I hope the Noble Lord will acquiesce in that motion, when it shall be brought forward. If I find that the petition has charged anybody unfairly, nobody will regret more than I shall the presentation of the petition. I am ready to serve on the committee, myself, and to endeavour to ascertain the truth of the allegations contained in the petition.

RETURNS.

Hops. — On the motion of Mr. LAWHODGES, Returns ordered —

Of the number of acres of hops in each and every parish of England and Wales, during each of the years 1829, 1830, 1831, 1832, 1833, 1834, 1835; together with the total amount of the quantity of hops grown, and of the duty paid thereon, in each parish, in each of the above years:

Of the average number of acres of hops in each parish during the above period of seven years; together with the average amount of the quantity grown, and of the duty paid thereon, by each parish, during the same period.

Tithe on Hops. — On the motion of Mr. HODGES, Return ordered —

Of the parishes in England and Wales, in which any agreements for extraordinary tithe on hops shall have been transmitted to the Tithe Commissioners, stating the respective amounts of such extraordinary tithe; specifying the parishes in which such agreements have been approved by the commissioners, and in which they may have been refused, and the grounds of such refusal; stating, also, the parishes from which such agreements are still under consideration.

Jamaica. — On the motion of SIR R. INGLIS, Address for —

Copies or extracts of the further communications transmitted to the Marquess of Normanby, by the agent of Jamaica, on the 13th day of June and the 12th day of July, relative to the agricultural state of that colony.

MESSAGE FROM THE LORDS,

That they have agreed to — the amendments to Borough Courts (No. 2.) Bill; Parochial Cure of Souls Bill, without amendment; Ship Propeller Company Bill, with amendments.

LOWER CANADA GOVERNMENT BILL.

Motion made by LORD JOHN RUSSELL, and question put, "That the Bill be now read the third time."

Mr. HUTT. — I wish, Sir, to make a few observations before this Bill be read a third time. Although I did not support, with my vote, the late resolution proposed by the Honourable Baronet the Member for Leeds, with respect to the government of Lower Canada, because I considered it would have been highly inexpedient to pledge the House to take measures for giving effect to such a resolution at so late a period of the Session; still I must allow that I was quite aware of the extent of the inconvenience which attends the deferring, to another Session of Parliament, measures so materially connected with the best interests of that important colony. Any person who looks at the state of Lower Canada, will be struck with the effects of bad government in that colony, where everything is at a stand-still; and which is only kept in allegiance to Great Britain by 30,000 soldiers. Emigration from this country to the colony is completely at an end; while emigration from Canada to other countries is rapidly proceeding, being embarked in by persons who seek, in other places, and from other Governments, that protection and security which they looked for, in vain, in Canada. Such being the state of that colony, I must say that I deeply regret, and think it highly inexpedient, that the Government should have determined to put off, for another Session, any plan for establishing permanent government in the province of Lower Canada, because it is

impossible to look for any amelioration of the condition of the inhabitants until such legislation shall take place,—while I fear that its postponement may be followed by another invasion, of a more serious character than the last. There is one subject to which I particularly request the attention of the Noble Lord; because, although the Noble Lord has stated his views generally, in regard to Lower Canada, he has not touched on that subject at all. I allude to the introduction of some measures for regulating the disposal of lands, and promoting free emigration to that colony. I think it desirable that the Noble Lord should inform the House whether he has any intention to bring that subject under the consideration of the House in the next Session of Parliament? because I am persuaded that, without some such measure, it will be impossible to place Lower Canada in a peaceful and satisfactory situation. The Honourable Member for Liskeard, acting under the commission of Lord Durham, has produced one of the most statesman-like papers which has ever been laid on the table of this House, containing all the necessary elements and materials for legislation on this subject; and I therefore think the Government entirely without excuse, if it do not take steps to give effect to the policy there recommended. I have no intention to oppose the third reading of the Bill, or of moving any amendment; but I beg to ask the Noble Lord whether he will not give some explanation to the House, as to the future intentions of the Government on the subject to which I have drawn their attention?

Mr. LEADER.—I cannot say that I concur with my Honourable Friend, as to the propriety of not offering any opposition to this Bill in its present stage. I think the third reading ought to be opposed. I object to the Bill for several reasons. I object to it, in the first place, because I look upon it as a mere continuation of the Coercion Bill of last Session;—I object to it because it is not the measure the Government ought to have introduced this Session—(for they ought to have brought forward, as they promised, a measure for the permanent settlement of a representative Government in Canada);—and I object to it, moreover, because it contains clauses which, in themselves, are highly objectionable,—I allude to the clauses giving to the temporary Government of Lower Canada the power of taxation, and of making permanent laws, against the feelings and the wishes of the inhabitants of that province. Some Honourable Gentlemen talk of not throwing any difficulties in the way of such a Bill,—that, if you have a despotism, you should make it as good a despotism as possible. I do not think so. I am of opinion, rather, that every sort of impediment should be thrown in the way of such a measure; and that it ought to be made as troublesome as possible to the Government, in order that the people of Canada might get rid of it the sooner. Now, there are, to this question, four parties;—the Earl of Durham and those who agree with him, the Government, the people of England, and the people of Canada; the two former of whom, I must say, have most grossly neglected their duty to the two latter. The conduct of the Earl of Durham has been, to me, absolutely incomprehensible; especially after the speeches the Noble Lord has made, in answer to the addresses presented to him in Canada,—and after the passages contained in his Report, stating that it was absolutely necessary, immediately, and without delay, to legislate for the permanent government of these provinces. I repeat that, after such an expression of opinion, it is to me incomprehensible that the Noble Earl has neither said nor done anything, in another place, to carry out his views. And yet there have been promises of disclosures, and assertions made, in the Report, as to the danger that would arise from delay;—nay, I believe that the Earl of Durham promised not to lose a moment in maintaining, in his place in Parliament, the rights of the Canadas, and in attempting to effect a settlement of the difficulties which exist in the government of that unhappy country. But what has the Noble Earl either done or said, since? Why, positively nothing, that could tend to the settlement of the question at issue, or to the permanent good government of Canada. I cannot blame the Earl of Durham, or the gentlemen associated with the Noble Earl,—for I do not know what are their motives, or by what circumstances they are influenced; but I must own that their conduct, as it stands before the country, is most incomprehensible,—and that the Canadian people, who have trusted them, have a just right to feel grievously disappointed. The conduct of her Majesty's Government, with reference to Canada, I consider to have been highly culpable. It was their bounden duty to have effected, or attempted to effect, a settlement of the government of those provinces. A great deal has certainly been said upon this subject. We have had it in the Queen's

Speech and Message, — we have had a distinct promise from the Noble Lord at the head of the Home Department, — that the Canada Bill would be introduced before Easter; — then, after Easter; — and, finally, "quite certainly, before the end of the Session." If the subject were not too serious a one, never would a more laughable instance have been afforded of a mountain in labour! After all these fine promises, Ministers come out with the Bill for the continuance of the suspension of the constitution of the Canadas. This delay will not cost the country less than 1,000,000*l.*, probably 2,000,000*l.* or 3,000,000*l.*, — which, to the Chancellor of the Exchequer, must be a very unpleasing prospect in the present state of the finances. In the mean time the unfortunate people of Canada are suffering in every possible way from distress — from the ruin of their trade — from the stop put to all emigration — and from the insecurity of person and property which now prevails. Three months since, as I have seen by an article in a paper called the *Christian Guardian*, dated the 17th of April, the entire people of Lower Canada entertained the expectation that they would hourly receive, by the Great Western steamer, the Bill which they thought, as a matter of course, would be introduced immediately after the appearance of Lord Durham's Report. They will, undoubtedly, be most grievously disappointed, when they find that they are to have nothing but a continuance of this miserable Coercion Act. For the last three years the country has been desolated by fire and sword. See what has been the result. By a recent number of the *Toronto Examiner*, I perceive that no fewer than 700 persons have, within the brief space of ten days, emigrated from Canada, and crossed the frontier into the United States, to escape from that insecurity which is the consequence of our misgovernment. The great mischief of delay is admitted by all parties. Lord Durham adverts to it in his Report; the Right Honourable Gentleman the Member for Coventry has told us the same thing; and the Right Honourable Baronet the Member for Tamworth has expressed his concurrence in the opinion. Yet the Government, with an utter recklessness of the interests of the colonists, have postponed the settlement of this momentous question for another year. I have, hitherto, purposely refrained from urging the Government upon this subject, under the impression that it was really their intention to do their best to settle the question. I have received several letters from persons in Canada, which I have abstained from answering, because I thought it wrong to raise hopes that might be disappointed, and I did not wish in any way to embarrass the Government. I regret now, extremely, having exercised that forbearance, which, I feel, almost amounts to a neglect of my duty to the unhappy Canadians. Even the little confidence which I had in the Government, and which had led me to trust them on this point, I find, has been quite misplaced. There can be but one opinion with regard to the conduct of the Government, both in this country and in the colonies, — namely, that they have grossly neglected their duty; and, if any mischief should arise during the course of the coming winter, upon their heads must the responsibility rest.

Mr. O'CONNELL. — I am not one of those who think that the Government could have done much more, during the present Session, with respect to Canada, unless they had restored, or proposed to restore, the constitution of Lower Canada, — which, as I consider, would have been the wisest and best measure they could have pursued, as the preliminary to any scheme for uniting the two provinces. However, Sir, I do not rise so much for the purpose of offering any opinion upon this Bill, as of expressing my very deep regret that the quarrel in Canada should have taken a religious turn, and that the people should be separated, not by political disputes alone; but that these disputes should now be aggravated by religious dissensions, fomented by the executive Government. Sir, I appeal to the Right Honourable Gentleman the Under Secretary for the Colonies, whether the officers in command, both in Lower and Upper Canada, — more especially in the latter, — have not testified, in the strongest terms, the spirit of generous loyalty which has been evinced, and the active support of Government which has been afforded, both in and out of the field, by the Irish and Scotch Roman Catholics in Canada, during the recent disturbances? and whether the Governor of Upper Canada has not represented this gratifying circumstance, in the strongest terms, to the Government at home? I ask, then, ought the reward of this loyalty and these active services to be an increase in the number of Orange lodges? By a communication which I have recently received from Canada, I learn that there are, now, in active operation in Canada, no fewer than 254 Orange lodges, regularly officered for

holding processions; and that insults are in the habit of being inflicted, almost daily, by the members of those bodies, upon their Roman Catholic fellow subjects. The masters of those lodges are all persons holding office under the Government. They are cherished, therefore, — I may fairly infer, — by the local Government, which must be looked upon as a party to the transaction, — as abettors of this gross insult on the feelings of men who have rendered such substantial services to the Queen's Government, when it was assailed by so many of the disaffected — of men who were regularly regimented and brigaded, and discharging all the duties of actively loyal subjects. Is this their fitting reward, — this unblushing encouragement of the Orange lodges? I entertain the strongest confidence that this very improper proceeding will be completely discountenanced by the Government at home. It is not sufficient to express their disapprobation of it, in general terms, in this House, — it is absolutely incumbent upon them to take active steps effectually to prevent the recurrence of such scenes. I find the number of these lodges gazetted — I suppose officially, — at all events inserted — (apparently as a matter of boast) — in several of the Canadian newspapers; and the statements of my correspondent are thus most completely corroborated. It is quite unnecessary for me to enlarge upon the pernicious effects which such a state things must produce, — tending, as it necessarily does, to put a complete stop to the progress of emigration to these colonies, from Ireland. How, I would ask, can you, with any reason, expect Irish Catholics to emigrate to a country where they will be subjected to insults, to which they are no longer liable at home?

Mr. LABOUCHERE. — I agree with the Honourable and Learned Member for Dublin, that nothing could be more lamentable than that a spirit of religious animosity should be suffered to unite itself to the numerous social evils which already exist in Canada. I had believed that it was almost wholly eradicated in that province. I can assure the Honourable and Learned Member, that, so far from any encouragement having been given to the Orange lodges, or to any exclusive association of any religious sect whatsoever, in Canada, — so far from any such encouragement having proceeded from the Government at home, — nothing is more contrary to the fact. I stated, a few days since, in this House, in answer to a question on the subject of Orange lodges, that, from any communication which had reached the Colonial Office, there was no reason to believe that this subject, for two years past, had attracted the slightest attention in Canada, — that no communication had been received from the Governor on any such point, — and that no petition, complaining of it, had emanated from any class of the people. The inference to which this led me, was, that this system, if not already quite dead, was fast dying away; and that it would be better to let it die a natural death, than to institute anything in the shape of an inquisitorial proceeding touching the matter. My attention was, however, called, in the course of this morning, to a newspaper, in which it was stated that these lodges have been multiplied to a great extent in Upper Canada; and, most assuredly, no time will be lost in requiring, from the Governor of that province, all the information that he can furnish on the subject. I must say, on behalf of Sir George Arthur, that I have abundant means of knowing his sentiments with regard to the principles of religious liberty; and I state, with confidence, that no man exists, whose principles and feelings could more completely discourage any sectarian associations. When Sir George Arthur was in Van Diemen's Land, he materially contributed to the establishment of a system (connected with this very subject of religious differences) which produced peace and quietness in that colony. Surely, conduct like this is irreconcilable with the charge which is now insinuated against him.

As to the conduct of the Irish Roman Catholics, both in Upper and Lower Canada, I have the greatest satisfaction in stating that, both from Sir George Arthur, and still more recently and strongly from Sir John Colborne, communications have been received at the Colonial Office, assuring the Government of the loyalty and active support of that numerous body, without any exception. They have stated, that the Irish Roman Catholics of Canada vied in loyalty, and in the determination to uphold their connection with the mother country, with all the other inhabitants. With respect to the question which has been put by the Honourable Member for Hull to my Noble Friend, I can say, in reply, that Government is most anxious to promote a well-considered system of emigration, and will most readily join with the local Governments in Canada to effect that object.

Mr. O'CONNELL. — I beg leave to observe, Sir, in explanation, that the Right Honourable Gentleman has quite mistaken my meaning, in supposing that I have charged the Government at home with encouraging these Orange lodges. It is against the local Government that I prefer this charge,—which is supported by the fact, that the masters of these lodges hold high official situations under the Government.

Mr. HUME. — Sir, I must say that I think the home Government are chargeable with gross negligence on this subject of Orange lodges. After the Address of the House to the late King, and his Majesty's Answer, declaring his determination to put down Orange lodges altogether, I have repeatedly put it to the Government, whether or not anything had been done to put an end to the system in Canada? and I have never got a satisfactory answer. The Address of the House, and his Majesty's Answer, were sent out to Sir Francis Head, it is true; but Sir Francis Head distinctly stated that he meant to take no steps in consequence, — and he did take none. When that functionary did thus set at defiance the will of the House and of the Crown, surely the Government have been guilty of gross negligence in taking no subsequent steps to enforce their orders. During the whole time of Sir Francis Head's government, every possible encouragement was openly given to Orange lodges by the Governor and all about him; and if the home Government longer permit the system to endure, they will be as culpable as the local Government has been. No despatch whatever was sent out to Sir Francis Head, to censure him for his disobedience to the will of the Crown and the House. My Honourable and Learned Friend has very properly stated that the numbers of Orangemen in Canada has been rapidly increasing. In June last, there were not fewer than 20,230. The country has already lost 3,000,000*l.* in consequence of the mismanagement of these colonies by Government; and it will have to spend much more, if very different measures be not adopted. That Government should have allowed the whole Session to pass away, without bringing in any measure to put an end to the state of anarchy and discontent which exists in Canada, is a fact for which they are in the highest degree culpable. In truth, I think nothing has marked the conduct of the Government in this matter but negligence and incapacity. The Noble Lord alleges, that it was his intention to bring forward a measure this Session, but that he has been prevented by the receipt of important despatches from Canada. Now, I trust the Noble Lord will allow me to direct his attention to the proceedings of a public meeting held at a place called Walter, in Upper Canada, for the purpose of petitioning the Legislature to adopt the Report of the Earl of Durham. The first resolution passed at that meeting states that Lord Durham had recommended the only true remedy for the evils of Upper Canada, by introducing the principle of responsibility into the Government. This was the language of the militia of Upper Canada, assembled after parade in the Town Hall at Walter, — and I trust the Noble Lord will attend to it. The resolution concludes with a hope that the Legislature will adopt the Report of the Earl of Durham. I take this opportunity of stating my own conviction, also, that — with the exception of one paragraph only, containing an unjust aspersion on the inhabitants of Lower Canada — that Report is entitled to our best consideration. I think the Noble Earl's plan admirable; and that, if adopted, it would confer the greatest benefit on Canada. With respect to the present Bill, I shall certainly give my decided opposition to the third reading. The powers granted by it would be only an addition to the evils under which the Canadians already labour.

SIR GEORGE GREY.—Sir, I rise but to say a few words. The Honourable Member for Kilkenny has stated that, with regard to Orange lodges in Canada, the Colonial Department has been entirely inactive; that no despatch was ever sent out on the subject to Sir Francis Head. If this were a just charge, it would be a heavy one; but it so happens that the Honourable Member, on two occasions before, has made the same charge, — and that, on both those occasions, the despatch which had been sent out to Sir Francis Head on the subject was laid before the House, and printed! The Honourable Member, however, still persists in making this charge, — upon the strength, apparently, of his private communications with Canada, and on the statements of newspapers, on which I, for one, have learned to place but slight reliance. A despatch was, in fact, addressed to Sir Francis Head, stating that Lord Glenelg was most strongly opposed to any difference being introduced into the policy pursued by the local Government of Upper Canada, from that to which the Government in this country was distinctly pledged, and that Lord Glenelg would use his most strenuous efforts to prevent any such difference. I am unable, at this moment, to mention the date of the de-

spatch; but will take care to ascertain it, and to state it to the Honourable Member for Kilkenny..

Mr. HUME. — The Right Honourable Gentleman may produce a despatch sending out the order to Sir Francis Head, but not a despatch condemnatory of the answer of Sir Francis Head to the House of Assembly.

Mr. C. BULLER. — Sir, I must say that I consider some of the charges made against the local Government of Upper Canada much exaggerated. I think the Governor was to blame in not adopting measures to check the formation of Orange lodges;—but that is only a matter of opinion. Sir, I cannot help thinking that the Honourable and Learned Member for Dublin must be misinformed as to public officers in Upper Canada joining in such proceedings. The subject was brought under Lord Durham's notice, by an Address from the Roman Catholics of Toronto and its neighbourhood, complaining, in strong terms, of the outrage done to their feelings by party processions on the 12th of July. And so far as regarded the fact that processions took place, there is no doubt of it: but with regard to official persons taking part in them, I believe that that was a mistake, for this reason; — I know that Colonel Buller, who was adjutant general, was at one period an Orangeman; it was made matter of complaint against him, and he withdrew from the society. I do not believe that any other persons in office are connected with Orange lodges, except, perhaps, colonels of the militia; and if, in making a levy *en masse*, men were objected to on the ground of such connections, I am afraid that you would diminish their numbers exceedingly. It has been also said, that Colonel Kingsmill was charged with being an Orangeman. The charge was brought before Sir George Arthur; but the result of the inquiry was satisfactory, — for Colonel Kingsmill totally denied having anything to do with those societies at all. I mention this, to prove that, if there be any persons in office in Upper Canada who favour the society, at all events they do not favour it ostensibly. There is, also, a great difference between Orangeism in Canada and Orangeism in Ireland. Canadian Orangeism is certainly distinguished by the banners and symbols which were so offensive in Ireland; but then it is connected with a great deal of the profession of freedom of opinion and religious toleration. For instance, it is common at public dinners for the Orangemen to make speeches professing great toleration and friendship towards Roman Catholics; and one of their regular toasts is, the health of the Roman Catholic bishops. I believe that Orangeism is kept up in Canada by gentlemen who have belonged to the society in Ireland, and who wish to keep up an undue political influence. I do not feel myself called on to defend Lord Durham from the charges of the Honourable Member for Westminster, that that Noble Lord has not adopted the precise measures which my Honourable Friend (Mr. Leader) wishes him to have pursued. The question must soon come before the House of Lords, when my Noble Friend will have an opportunity of speaking upon his own conduct. I wish, before sitting down, to say a few words upon the subject of the Report on Crown lands, in order to remove from myself some undeserved eulogium which I have received, on the supposition that I was concerned in drawing it up. I had nothing to do with it, except signing my name to it. The merit of that very valuable Report is due to Mr. Hanson and Mr. Wakefield.

SIR G. GREY. — I beg to inform the Honourable Member for Kilkenny, that the despatch to which I referred is dated August 24. 1836.

Mr. LANGDALE. — Sir, having received very strong representations with respect to the system of Orange societies in Canada, from quarters on which I can place implicit reliance, I trust I may be permitted to trouble the House with but a few words. I have received one letter from a lady, the sister of a Scotch Roman Catholic gentleman, who, with his family, emigrated to Canada a few years since. The letter is dated from Richmond, and states that, on the Monday previous to its being written, the Orangemen marched in procession through the town, shouting, "Death to the Pope and the bloody rebelly Papists!" The letter goes on to state, that they next proceeded to a small Catholic chapel in the town, and demolished the windows. A mock investigation was held before the magistrates, which, of course, produced no satisfactory result. It appears, further, that a petition on the subject was preparing for presentation to the Earl of Durham, — but that, on his sudden departure from Canada, it fell to the ground. I shall, with permission of the House, read a few extracts from this petition. It states, —

That the Orange Societies in Richmond are openly countenanced by the magistrates, and that the Orangemen hold monthly meetings, as well as the annual meeting on the 12th of July; on

which occasion they play party tunes, and in many ways insult and annoy your petitioners. We need not go further back than the last 12th of July, to show the insults to which your petitioners are exposed. On that day the Orangemen assembled, and, accompanied by the magistrates, marched in procession to the church, where the clergyman performed divine service with an Orange banner displayed over his head. They then marched through the town, playing party tunes, and insulting the Catholics in every way. In one case, a Roman Catholic house was fired into.

Now, Sir, I cannot help thinking that this is a question which calls for the serious attention of Government; and I do hope that some measures will be taken to prevent the repetition of such disturbances.

Mr. LABOUCHERE. — I can only say to my Honourable Friend, that, if he will place the letter and petition in my hands, I will take care to have the matter inquired into.

The House then divided: — Ayes 110; Noes 10; — Majority 100.

AYES.

Aglionby, H. A.	Henniker, Lord
Baines, E.	Hill, Lord A. M. C.
Barnard, E. G.	Hobhouse, Right Hon. Sir J.
Bernal, R.	Hodges, T. L.
Bowes, J.	Hope, Hon. C.
Brotherton, J.	Hoskins, K.
Bryan, G.	Houstoun, G.
Buck, L. W.	Howard, F. J.
Buller, C.	Howard, P. H.
Campbell, Sir J.	Howick, Lord Visct.
Chetwynd, Major	Hutton, R.
Chichester, J. P. B.	Kinnaird, Hon. A. F.
Clay, W.	Labouchere, Rt. Hon. H.
Clements, Lord Visct.	Langdale, Hon. C.
Clive, E. B.	Lascelles, Hon. W. S.
Dalmeny, Lord	Lennox, Lord A.
Denison, W. J.	Mackinnon, W. A.
D'Eyncourt, Rt. Hon. C. T.	Martin, J.
Donkin, Sir R. S.	Mildmay, P. St. John
Dunbar, G.	Monypenny, T. G.
Duncombe, T.	Morris, D.
Dundas, F.	Nagle, Sir R.
Dundas, Sir R.	Norreys, Sir D. J.
Eaton, R. J.	O'Brien, W. S.
Eliot, Lord	O'Connell, D.
Euston, Earl of	O'Ferrall, R. M.
Evans, G.	Packe, C. W.
Evans, W.	Palmer, R.
Farnham, E. B.	Parker, J.
Ferguson, Sir R. A.	Parker, R. T.
Filmer, Sir E.	Power, James
Finch, F.	Praed, W. T.
Fleetwood, Sir P. H.	Price, Sir R.
Gisborne, T.	Pryme, G.
Grant, F. W.	Rice, E. R.
Grey, Rt. Hon. Sir C.	Rice, Rt. Hon. T. S.
Grey, Rt. Hon. Sir G.	Richards, R.
Hastie, A.	Rolfe, Sir R. M.
Hawkins, J. H.	Russell, Lord J.
Heathcoat, J.	Rutherfurd, Rt. Hn. A.
Hector, C. J.	Salwey, Colonel
	Sanford, E. A.
	Scarlett, Hon. J. Y.
	Scholefield, J.
	Seymour, Lord
	Sheppard, T.
	Smith, R. V.
	Stanley, Hon. E. J.
	Stewart, James
	Stuart, Lord J.
	Stock, Dr.
	Strutt, E.
	Style, Sir C.
	Surrey, Earl of
	Talbot, C. R. M.
	Thomson, Rt. Hon. C. P.
	Thornely, T.
	Townley, R. G.
	Troubridge, Sir E. T.
	Turner, E.
	Turner, W.
	Walker, R.
	Wall, C. B.
	Ward, H. G.
	Wodehouse, E.
	Wood, Colonel
	Wood, Colonel T.
	Yates, J. A.
	Young, J.
	Tellers.
	Steuart, R.
	Wood, C.

NOES.

D'Israeli, B.	Teignmouth, Lord
Dugdale, W. S.	Vigors, N. A.
Fielden, J.	Williams, W.
Irton, S.	
Kemble, H.	*Tellers.*
Perceval, Hon. G. J.	Hume, J.
Plumptre, J. P.	Leader, J. T.

Bill read a third time, and passed.

REGISTER OF BIRTHS, &c. BILL.

On the motion of LORD JOHN RUSSELL, Bill read a third time.

On the question that the Bill do pass,—

Mr. JAMES STEWART said: — I beg to move the addition of a clause, to exclude the Society of Friends from the operation of the General Registration Act, on the ground that that body has already a perfect system of registration of its own. All parties have borne testimony to the extremely correct manner in which this sect has long kept its register of births, deaths, and marriages.

LORD JOHN RUSSELL. — Sir, I feel myself bound to object to the clause, as contrary to the general purport and policy of the Bill. The object is, that the registers of all dissenting bodies should be collected into some general office, where they may be open for consultation by anybody. If an exception were made in favour of the Society of Friends, other Dissenters might claim the same indulgence, and thus the object would be defeated. Besides, it would be necessary, in such case, to make special provisions against the falsifications or injury of each of those several records. I shall, therefore, oppose the clause.

Mr. BAINES. — Sir, although I felt

disposed, at first, to support the clause, on the ground that the Quakers have kept their registers in a manner superior to any other body of Protestant Dissenters, I am convinced, on the whole, that it would be better not to make any exception.

Clause brought up, and read a first time, and, by leave, withdrawn.

SIR CHARLES STYLE. — Sir, I beg leave to propose a clause requiring the registers sent in by any congregation, to be kept without division in the General Registry Office.

Clause read a first time, and, by leave, withdrawn; Bill passed.

SUMMARY JURISDICTION BILL.

LORD J. RUSSELL. — I move that the Order of the Day for the House resolving itself into a committee of the whole House on this Bill be now read.

LORD GRANVILLE SOMERSET. — Sir, I hope the Noble Lord will not proceed with this Bill at so late a period of the Session. The Bill introduces totally new provisions respecting matters of rural police; respecting the trial of offences at petty Sessions; respecting the imprisonment of offenders; — it changes the whole jurisdiction of the magistracy from beginning to end; and it ought not to be forced forward at this time. The clauses of the Bill are very complex in their nature, and are open to numerous objections, the discussion of which would occupy many hours. At all events, before we proceed farther, I wish to know what clauses are to be struck out?

The ATTORNEY GENERAL. — Sir, I strongly recommend that the thirty-second clause be struck out. I am not aware that there is any other clause to which objection can justly be taken.

SIR E. KNATCHBULL. — Sir, I wish to ask, in the face of the House of Commons and of the country, whether the Noble Lord is determined, in such a House as I have now the honour to address, and at this period of the Session, to proceed with this Bill? I am sure that the Noble Lord does not underrate the importance of this Bill. At the present moment, a large number of those Members who are in the commission of the peace are unavoidably absent. No doubt, many of those Members would have felt it their duty to express their opinions, with respect to this measure; and whatever may be the merits of the general principle of the measure, every clause of it ought to be, and must be, subject to great discussion. I will not say that some good might not ensue from such a measure as the present; but I must tell Gentlemen opposite, that if they think themselves justified in pressing forward this measure, that opinion is exclusively their own. I do not wish to say anything that might be thought unfair or improper; but I do hope, for the reasons I have stated, that the further consideration of this Bill will be postponed.

LORD J. RUSSELL. — Sir, I have to observe, that this Bill, which has been described by the Noble Lord opposite as totally new, contains thirty or forty clauses that were taken from a Bill which was passed by the Right Honourable Member for Tamworth, in the year 1829. It certainly contains several other clauses of a very important nature; but, with respect to the other clauses, it cannot be said that, having been brought in in the year 1829, — having been amended ten years ago by the Right Honourable Baronet the Member for Tamworth, — they relate to a subject which has never yet been brought under the consideration of the House. It appeared to the Right Honourable Baronet the Member for Tamworth, when he held the office which I now hold, that this was a subject upon which some amendment of the law ought to take place. But it is said, — "Why not introduce the Bill at an earlier period of the Session?" That remark might be made of any Bill, on any subject, which might be introduced; but the real question is, whether there is to be any limited time for the consideration of all those Bills which it is expedient that the House should consider in the course of a Session? It frequently has happened that I have been very anxious to press forward Bills, and to bring them before the consideration of the House, at an early period of the Session. But what has been the remark constantly made on the other side? This: "that April or May had elapsed, and that a great many of the supplies for the army, navy, and ordnance had not been brought forward, in pursuance of the pledge which was given, that they should be brought forward previous to the 5th of April." Well, the Government has taken another course in the present Session: we brought forward the question of the Supplies at an early

period, and they took a very considerable time in discussion, — of which I do not complain. The navy estimates took three or four whole nights of discussion, — amounting, as the Government had then but two days in the week, to a fortnight. If this practice is to be pursued, some Bills must be kept back. If objection be made to Bills of importance being brought on for consideration in July, and Members choose, then, to keep away,—and that is to be considered a reason for putting off Bills, — I must say that I do not think that we can proceed in a satisfactory manner with the legislation of the country. We had lengthened debates on the Supplies and on motions in the early part of the Session; and it would be impossible, unless we proceed, now, to make laws which all of us agree in holding to be required for the amendment of the present laws. This is not a question of party division or discussion, and I therefore hope that there will be no vexatious opposition offered to the Bill; and, certainly, there is no wish, on my part, to insist upon any clause to which any reasonable objection can be made. I therefore hope that the House will proceed to consider this Bill, and not to treat it as a Bill altogether contemptible, — looking at the authority in its favour which I have mentioned.

COLONEL WOOD. — Sir, there was one expression made use of by the Noble Lord who has just sat down, which, in my opinion, was not justified. The Noble Lord spoke of Gentlemen choosing to keep away. Now, considering that this House has been sitting since February, I do not think that Members ought to be reproached for non-attendance at the present period. The Noble Lord may succeed in forcing this Bill through this House; but, at so late a period of the Session, it is utterly impossible that the Bill can pass the other House of Parliament.

Mr. W. MILES. — I must complain, that the Noble Lord has not brought forward the whole question according to the recommendation of the committee; and, if no Member of greater weight will introduce the subject of the existing law as to cases of bastardy, I, myself, will submit it to the consideration of the House. This clause, certainly, consolidates a vast number of Acts, and presents, them before us in a simple form. It also gives some powers to the magistrates, which, I think, are necessary; but still, when I look at the scope and extent of the Bill, and at the present state of the House on both sides, I would impress upon the Noble Lord the propriety of postponing the measure to another Session.

SIR THOMAS FREMANTLE. — I must also add my entreaty to that of my Honourable Friend who has just sat down, — for I think there are many reasons why the Bill should be postponed. We are here, now, on the 18th of July; and I do not think the Bill can be discussed, with any advantage, at such a period of the Session. The Noble Lord says this is not a party question. True, it is not; and that is an additional reason why it should be postponed; for, had it been a party question, the benches would have been better filled. This is a Bill, however, which affects the community at large, and especially interests Honourable Members in this House, who are all, more or less, connected with the administration of justice in their respective localities. I really think the Noble Lord had better postpone the Bill.

SIR EARDLEY WILMOT. — I must say that I differ from my Honourable Friends, for I hope that the Noble Lord will persevere in his motion. If this Bill were now to be discussed for the first time, the Noble Lord might be justified in not bringing it on now; but it is just ten years since this subject was investigated by a committee, of which the Noble Lord opposite was chairman. That committee presented a Report, in which a measure, similar to the present, was recommended. Another committee, of which the Right Honourable Baronet the Member for Tamworth was chairman, also came to a similar conclusion. I, myself, brought in a similar Bill in the year 1832 or 1833, when I first came into Parliament. I also brought in a Bill for a similar purpose last year. To say, then, that this is a new measure, is a great mistake. I must, therefore, entreat the Noble Lord not to postpone the consideration of the measure to another Session. There will be no knowing what we are doing, if we are thus to add one postponement, indefinitely, to another.

Mr. SANFORD. — It is the general opinion in this country, — and, I believe, a just one, — that a great part of the demoralisation of the population arises from the circumstance of persons in early life being sent to the county gaols, where they become contaminated by intercourse with hardened offenders, and every good principle is eradicated. There is one part of the Bill to which I have an objection; but, on the whole, I am friendly to the principle of it, and I am prepared to discuss its de-

tails in committee. I shall, therefore, readily support the motion of going at once into committee upon it.

Mr. DARBY. — I think that the Bill ought to be put off for another Session. It embraces a much wider scope than the Bill which was introduced ten years ago upon this subject, and I regret exceedingly that the Noble Lord will not consent to postpone the consideration of it to another Session. I may here observe, that it would shorten the business of the House prodigiously, if Government would bring in their Bills in a shape better digested than they usually are at present.

Mr. LIDDELL. — The great objection to proceeding with this Bill, now, appears to me to be, that it has been shelved so long that a general impression has prevailed in the country, that it would not be proceeded with. Moreover, a great many important clauses have been introduced into this Bill, which it is utterly impossible to discuss, properly, at present. I will readily admit, that there are many existing defects which this Bill proposes to remedy, and to those remedies I am prepared to give my support; but I protest against the Bill being brought forward at this period of the Session.

LORD JOHN RUSSELL. — The Honourable Gentleman who has just sat down says that this Bill has been put off so long, that the general impression was, that it would not be brought on. Now, I will make one observation with regard to these complaints of delay. I beg the House to observe, that whenever I bring in any Bill affecting the jurisdiction of justices of peace, I am placed in this dilemma. First, it is said, "Do not bring on the discussion upon it until the magistrates have met in quarter sessions, and have had an opportunity of forming and expressing an opinion upon it;" and then, when I yield to that solicitation, I am regularly told, "Oh! you have put off the discussion of this Bill so long that you ought to abandon it." If I were to put off the Bill to the next Session, and questions, then, were to occur with reference to Canada, or ecclesiastical affairs, or church rates, I might be obliged to postpone this Bill another year.

Mr. AGLIONBY. — I do not see any reason why the Bill should not be discussed this Session, — though I do not pledge myself to support all the clauses.

Mr. HAWES. — I hope the Noble Lord will make an effort to go on with the Bill. If the Noble Lord will persevere, and other Gentlemen will give their best assistance, the Bill may pass this Session, and be productive of much benefit.

Mr. ESTCOURT. — I find that the Noble Lord is determined to persevere in this measure; but, at all events, I take it for granted that the Noble Lord, in a matter of so much general importance, if he find, during the progress of the measure, that the House is not well attended, will not persevere, without previous information from all parts of the country, in carrying a measure of such an extensive nature. I cannot but consider this Bill as an alteration of the whole law, and an attempt, by a side wind, to abolish trial by jury in certain cases; and I hope the sense of the country will not permit the Noble Lord to urge it forward.

Mr. WILLIAM TURNER. — I have found, from experience, that most business is done with the fewest number of hands. I hope the Noble Lord will do what the present Government professes to do — bring justice home to every man's door.

Mr. TATTON EGERTON. — I agree with the Honourable Member, that we should bring home justice to every man's door; but then the question arises, whether, by this Bill, we shall do so? I am sure the Noble Lord would not be able to carry out a Bill of this kind at the beginning of the Session.

LORD G. SOMERSET. — If there be no paramount necessity for going on with the measure now, why should the Noble Lord depart from his arrangement? Now, I feel the greatest possible confidence that the Bill will not pass this Session; and as I wish the bastardy clause, which it contains, and of which I approve, to pass into a law, I should like to see it transferred into the Poor Law Bill, which has a chance of passing.

The House then resolved itself into a committee on the Bill.

The preamble was postponed.

Clause 1. "Commencement of the Act."

On the question being put, —

SIR EDWARD KNATCHBULL said: — This is the 18th of July. The Bill cannot become law before August. I should like to know how the machinery of the Bill is to be got into action by the 1st day of October, as proposed by this clause?

Mr. ESTCOURT. — I would suggest, that, as this measure will work a great

alteration in the law, it would be better to make it commence after some quarter sessions.

LORD JOHN RUSSELL. — I have no objection.

The clause, as amended, was agreed to.

Clause 2. (" None to be justices of the peace, but by commission, with certain exceptions ") postponed.

Clause 3. (" Distinction of quorum to be discontinued ") agreed to, with verbal amendment.

Clause 4. (" Oath of office not to be taken by *dedimus potestatem*, but in open court, at the sessions ") postponed.

Clause 5. " Justice who has qualified for one county, need not qualify for another."

Clause 6. " No oath to be taken under a renewed commission, 7 Geo. III. c. 9., except oath of allegiance in a new reign."

The above clauses were severally agreed to.

Clause 7. (" No justice shall act while sheriff, bailiff, or coroner, or while holding office under the justices, or while practising as an attorney, or while in prison") postponed.

Clause 8. " Proceedings before magistrates."

On this clause being put, —

LORD GRANVILLE SOMERSET said: — There is one important consideration connected with this clause, which I wish to submit to the committee. I object to what appears to me liable to great abuse, — namely, the receiving of an information, without its being committed to writing. It strikes me, that, in the case of summary jurisdiction, more especially, the party should have the opportunity of seeing, in writing, the points of accusation. He has not the advantage of a bill of indictment, but is brought summarily before a magistrate; and, if convicted, committed to gaol, without having the information in writing before him. Moreover, to a certain extent, it is a protection to the magistrate himself, to have a record of the information in writing.

Mr. R. PALMER. — Perhaps the Noble Lord will not object to the addition of the words " information in writing"? It would be a very simple process.

The SOLICITOR GENERAL. — I do not see any objection.

Mr. WAKLEY. — I trust the suggestion of the Honourable Member for Berkshire will be adopted.

Mr. HAWES. — If every petty complaint is to be made in writing, the object of the Bill, which is to expedite and economise criminal justice, will be defeated. It would also open a door to litigation; for sharp attorneys would get in, and, on technicalities, would defeat the end of justice, — as is now often the case.

Mr. P. HOWARD. — I must also object to the amendment, — as it would compel the poorer classes, seeking justice, to employ professional men.

LORD GRANVILLE SOMERSET. — I do not think that the Honourable Member understands the object of the amendment. It is not, that the party complaining shall present his information in writing; but that the magistrate or his clerk shall take it down in writing.

Mr. GISBORNE. — That is clearly the case, — that the complaint or information is to be reduced to writing by the magistrate or his clerk. I think the amendment is a necessary protection to the magistracy themselves.

Mr. WAKLEY. — I trust we shall now hear no complaints against " the great unpaid;" for I am glad to perceive that a proposition of this kind receives the support of some of them.

Mr. CLAY. — I do not think the tendency of the amendment is, to surround the operation of the Bill with more form than is essential to the proper administration of justice.

SIR E. WILMOT. — The amendment is absolutely necessary for the purposes of the Bill, — inasmuch as, by another clause, the proceedings, summarily, before magistrates are required to be returned to the quarter sessions; and how can this be done, unless the information or complaints, and the convictions, are in writing?

Mr. ESTCOURT. — As I understand the proposition of the Honourable Member for Berkshire, it is, that the inform-

ation in writing shall be in the shape of a memorandum, made by the magistrate for his own satisfaction, and to guard against hasty administration of the law. If so, I think it a very wholesome and proper provision.

Mr. AGLIONBY. — The object of the Bill is, to distinguish between two classes of offences — one very minor, and not requiring the formality of procedure, which it is proposed, by this amendment, to introduce.

Mr. WAKLEY. — All we ask is, that the magistrate shall take down what he may deem sufficient to prove that he is justified in granting the summons.

The ATTORNEY GENERAL. — I have made up my mind that there ought to be informations in writing in all cases. There should be a uniform mode of proceeding; and it certainly ought not to be left to the caprice of the magistrates. The "*litera scripta manet*" is a good rule to adhere to, in such cases. As it has been objected, that work would be cut out for the lawyers by such an arrangement, I will undertake to obviate this difficulty, by introducing a clause, upon the Report being brought up, that no objection shall be permitted to be taken to these committals on the ground of their informality. This will meet the views of all parties.

Mr. HAWES. — I do not object, upon principle, to the informations in writing. All I objected to was, the encumbering of the proceedings with useless technicalities.

The SOLICITOR GENERAL. — I think it would be an improvement in the clause, to introduce the words suggested; and I also think that the improvement would be augmented by a priviso such as that suggested by my Honourable and Learned Friend.

Clauses 9. to 24. were severally agreed to, with some verbal amendments.

The Chairman reported progress, and obtained leave to sit again this day.

FACTORY BILL.

Mr. F. MAULE. — This Bill having undergone great changes, it will be necessary to reprint it; and I shall, therefore, merely move that it be committed *pro formâ* on Saturday.

POOR LAW COMMISSION CONTINUANCE BILL.

Committee deferred till Saturday.

PUBLIC BUSINESS.

Mr. WAKLEY. — I hope the Noble Lord will be prepared to state, on Monday, what measures he intends to persevere with, this Session? This is most desirable, when we consider the great number of Members who have left town, and how many more there are who are anxious to do so.

[Loud cries of "Hear, hear!" from the Opposition benches.]

HIGHWAYS (No. 2.) BILL.

On the motion of Mr. F. MAULE, the Order of the Day for the second reading of this Bill, read.

Mr. WAKLEY. — I approve of the Bill as far as it goes; but I think that, in committee, a proviso should be inserted for the purpose of providing that fences shall be erected wherever railroads cross turnpike road and highways, which shall shut out the view of the railway carriages for a distance of 100 yards. The railway proprietors enjoy a great advantage from the monopoly allowed to their roads. Private property has been interfered with, by those roads, to an enormous extent; and, if the proprietors were to be at the expense for the erection of these fences, I am sure it is a tax which they ought in fairness to pay.

The Bill was then read a second time, and committed for Saturday.

ASSAULTS (IRELAND).

Bill, "for the better Prevention and Punishment of Assaults in Ireland," ordered to be brought in by LORD VISCOUNT MORPETH and Mr. SOLICITOR GENERAL for Ireland.

SALE OF SPIRITS (IRELAND).

Bill, "for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland," ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

SHEEP-STEALERS (IRELAND).

Bill, "for the better Preservation of Sheep, and the more speedy Detection of Sheep-stealers, in Ireland," ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

JURORS AND JURIES (IRELAND).

Acts (3 and 4 Will. IV., and 4 and 5 Will. IV.) read; and Bill, "to amend an Act passed in the third and fourth Year of the Reign of his late Majesty King William the Fourth, intituled, 'An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland,' and another Act passed for amending said Act, in the fourth and fifth Year of his said late Majesty's Reign," ordered to be brought in by Mr. SOLICITOR GENERAL for Ireland and LORD VISCOUNT MORPETH.

DUBLIN POLICE.

Bill, "to make further Provisions relating to the Police in the District of the Dublin Metropolis," ordered to be brought in by LORD VISCOUNT MORPETH and Mr. SOLICITOR GENERAL for Ireland.

The above Bills were then severally brought up accordingly; presented, and read a first time; to be read a second time on Saturday next, and to be printed.

POSTAGE DUTIES.

Bill, "for the further Regulation of the Duties of Postage," presented, and read a first time; to be read a second time on Monday next, and to be printed.

EXCISE LICENCES (SALE OF SPIRITS).

Bill, "to allow Dealers in Spirits to retail Foreign Spirits and Liqueurs, not to be drunk on the Premises, on taking out an additional Licence for that Purpose, and to give further Power for granting Permits to Dealers and Retailers of Spirits," presented, and read a first time; to be read a second time on Saturday, and to be printed.

COLLECTION OF RATES BILL.

Second reading deferred till Friday, the 26th of July.

NEW SOUTH WALES BILL.

Read a second time, and committed for Monday next.

UNLAWFUL OATHS (IRELAND) BILL.

Read a second time, and committed for this day.

TIMBER SHIPS BILL.

Considered in committee; to be reported this day.

ASSESSED TAXES COMPOSITION BILL.

Reported; clause added; to be read a third time this day.

SLAVE TRADE (PORTUGAL) BILL.

Reported; recommitted; considered in committee, and reported; further consideration of Report on Monday next; Bill, as amended, to be printed.

SOLDIERS' PENSIONS BILL.

Further consideration of Report deferred till Wednesday next.

REGISTRATION (COURT OF APPEAL) BILL.

Committee deferred till Saturday.

INLAND WAREHOUSING BILL.

Committee deferred till this day.

CONSTABULARY FORCE (IRELAND) BILL. — EMBANKMENTS (IRELAND) BILL.

Second readings severally deferred till this day.

ADMIRALTY COURT (ADVANCE OF MONEY).

Resolution reported: —

That there shall be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, such sum for the salary and retired allowance of the Judge of the

High Court of Admiralty, and to make good the deficiency of the fee fund of the said court, as shall be directed by an Act to be passed in the present Session of Parliament.

Resolution agreed to; instruction to committee on Admiralty Court Bill, that they have power to make provision therein accordingly.

EXCISE LICENCES (SALE OF SPIRIT LICENCES).

Resolution reported: —

That an excise duty of five pounds shall be paid by every licensed dealer in spirits, for an additional licence to sell by retail, in quantities not less than one reputed quart bottle, foreign spirits and liqueurs, not to be drunk on the premises.

Resolution agreed to; Bill ordered to be brought in by Mr. BARING and Mr. CHANCELLOR of the EXCHEQUER.

BANK OF IRELAND.

The CHANCELLOR of the EXCHEQUER. — Having appointed the Postage Bill for Monday next, I propose to defer the discussion on the subject of the Bank of Ireland from that day to Wednesday.

RETURNS.

Court of Chancery. — On the motion of Mr. H. A. AGLIONBY, Returns ordered —

Of the total amount of the fees received by, or on account of, the Six Clerks of the High Court of Chancery, during the year 1838; distinguishing how much of such fees were received on account of their office of Six Clerks, and how much as Clerks of the Inrolments and Comptrollers of the Hanaper respectively:

Of the total number of the fees and sums of money which were received by, or became payable to, each of the sworn clerks of the Court of Chancery, during the year 1838; distinguishing how much of such fees were accounted for to the Six Clerks of the said courts, or to any other and what persons:

Of the number of term fees which were received by, or became payable to, each of the said sworn clerks, during the year 1838, and the number of causes in respect of which such term fees accrued:

Of the amount of the fees which were received by, or became payable to, each of such sworn clerks, during the year 1838, on account of the taxation of costs, and in respect of how many bills of costs such fees became payable; specifying the ten largest amounts received by each of the said sworn clerks for any one bill of costs:

Of the total amount which was received by, or became payable to, each of the said sworn clerks, for office copies, during the year 1838.

Masters in Chancery. — On the motion of Mr. H. A. AGLIONBY, Return ordered —

Of the number of warrants on leaving bills of costs, and the number of warrants for taxing bills of costs, issued by each of the Masters of the Court of Chancery, during the year 1838.

Militia. — Return (presented the 12th of July) to be printed.

Adjourned at one o'clock.

HOUSE OF LORDS, VENERIS, 19° DIE JULII, 1839.

APPEALS.

Stewart (or Menzies) *v.* Menzies. — The respondent ordered to answer peremptorily in a week.

Plowden *v.* Thorpe. — Petition of the appellant, that William Henry Francis Plowden may be made a party appellant. —Read, and referred to the Appeal Committee.

Marquess of Breadalbane *v.* Campbell; Carrick *v.* Buchanan. — Appeals presented, and respondents ordered to answer in four weeks.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

COMMISSION.

The following Bills received the Royal Assent:—Glass Duties Bill; Brick Duties Bill; Paper Duties Bill; Jamaica Bill; Spiritual Services of Parishes Bill; Rules of Proceedings (Borough Courts) Bill (No. 2.); Protection against Bankruptcy Bill; Borough Watch Rates Bill; Newport Docks Bill; Deptford Pier Bill; South Eastern Railway Bill (No. 2.); Northern and Eastern Railway Bill (No. 1.); Northern and Eastern Railway Bill (No. 2.); Deptford Pier Junction Railway Bill; Over Darwen Gas Bill; Sidmouth Market Bill; Patent White Lead Company Bill; Filtration Company Bill; Anniesland and Black Quarry Road Bill; Earl of Galloway's Estate Bill; Davie's Estate Bill; Hall's Estate Bill; Marshall's Estate Bill; Earl of Stamford and Warrington's Estate Bill; Reading Corporation Estates Bill; Pemberton's Divorce Bill; Mellin's Divorce Bill; Weguelin's Divorce Bill; Count de St. George's Naturalisation Bill.

RATHKEALE INCLOSURE BILL.

Read a second time, and committed for Monday next.

LONDON CITY POLICE BILL.

Read a second time, and committed for Tuesday next.

THE QUEEN'S ANSWER TO ADDRESSES OF YESTERDAY.

Reported.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Report from the select committee, That the committee had met, and proceeded in the consideration of the Bill; but a material witness, whose evidence will complete the case for the promoters of the Bill, not being able to attend, the committee adjourned, at a quarter before three o'clock, to Monday next, at eleven o'clock. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

The EARL of RODEN and the MARQUESS of DOWNSHIRE presented petitions against, — of the master, wardens, and others of the corporation of saddlers, upholders, coach and cart harness makers, or guild of the Blessed Virgin Mary of the city of Dublin: of the corporation of cutlers, painters, and stationers, or guild of Saint Luke the Evangelist, Dublin: of the minister and congregation of Saint Simon's church, Liverpool: of ministers, churchwardens, and others of Carlow; Mountmelick; and Ballyroan: and of inhabitants of Killeshandra; Abbeyleix; and Durrow.

Also, a petition praying for compensation in the event of the Bill passing into a law, — of officers appointed by and serving under the corporation of the city of Dublin.

Read, and ordered to lie on the table.

IMPRISONMENT FOR DEBT.

The EARL of WICKLOW. — I wish

to be informed, by the Noble and Learned Lord on the woolsack, whether a similar measure to the Imprisonment for Debt Bill for England, will, in the present Session, be extended to Ireland? The Noble and Learned Lord gave, last year, a pledge that Ireland should, this Session, have a similar measure to the one which has been granted to England; but I have looked in vain for its introduction. I therefore beg to remind the Noble and Learned Lord of the promise which he so gave, and to express a hope that the Session will not be allowed to terminate without such a Bill being proposed for Ireland.

The LORD CHANCELLOR.—I have done all in my power to procure the introduction, in the present Session, of a Bill for Ireland, such as that which the Noble Lord has alluded to. I understand that the subject is still under consideration by the proper officers in Ireland; but some difficulties have arisen; and I am not able, at this time, to state whether or not the measure can be brought forward in the present Session.

SOAP DUTIES DRAWBACK BILL.—INDEMNITY BILL.

House in committee (according to order); Bills reported, without amendment, and to be read a third time on Monday next.

TURNPIKE ACTS CONTINUANCE BILL.

Read a third time (according to order), with the amendment; Bill passed, and sent to the Commons.

HIGHWAYS AND TURNPIKE ROADS RETURNS BILL.

House in committee (according to order); Bill reported, without amendment, and to be ingrossed.

PRESBYTERIANS.

The MARQUESS of LONDONDERRY.—I beg leave to present a petition praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, from ministers and elders of the Presbyterian Synod of Ireland, distinguished by the name of Seceders, assembled in Belfast. Considering the number of petitions that have been presented on this subject, I do think it is incumbent on her Majesty's Government to take it into their serious consideration.

LORD BROUGHAM.—Having been requested to support the prayer of this petition, I need only say that I entirely concur in the observation of the Noble Marquess. I do consider that some regard ought to be paid to the conscientious feelings which are entertained by the petitioners.

Read, and ordered to lie on the table.

PROCESSIONS IN IRELAND.

The MARQUESS of DOWNSHIRE.—With your Lordships' permission, I will now say a few words on a subject in which I feel the deepest interest. I refer to the old custom which has long existed in the North, and indeed in most parts, of Ireland, of having processions and other manifestations of feeling on the 12th of July. I have recently received information from Ireland that the wish so properly expressed by his Excellency the Lord Lieutenant, that these exhibitions should no longer be continued, has been attended with the best effects. I understand that the last aniversary of the battle of the Boyne passed over in the most perfect harmony, and without the peace of the country having been in any way disturbed in the North of Ireland. With regard to my own county, it is particularly gratifying to me that his Excellency has not thought it necessary to order any troops to march into it, this year; and I deeply regretted that a different course was followed last year. The confidence which the present Lord Lieutenant has placed in the people, has been most amply justified; and I sincerely trust that the good conduct of the inhabitants will redound to their credit, and that it will show to the Government and to the country at large that the Protestant people of Ireland are perfectly fit to be trusted and to be confided in, for the preservation of their peace and the tranquillity of Ireland, for securing the connection with England, and for the support of their laws. As an instance of the tranquillity which prevails in Downshire, I might mention, that, at the recent summer assizes, only twenty-seven persons were tried. I merely rose to express my satisfaction at the state of the North of Ireland, and the proceedings of the present Lord Lieutenant; and I have to thank your Lordships for the attention which you have given to my observations.

The MARQUESS of NORMANBY. — I think it is but due to the Lords Justices, who were exercising the authority of the Lord Lieutenant in his absence, to state, that, last year, they intended to adopt the same course, with regard to Downshire, which has been followed, this year, by the present Lord Lieutenant. They did not think of sending any troops into Downshire; but they were prevented from carrying their intentions into execution, by certain indiscreet proceedings which occurred on the 1st of July.

The MARQUESS of LONDONDERRY. — I cannot help expressing my satisfaction, that, at last, we have a Lord Lieutenant in Ireland who is disposed to do justice to the Protestant inhabitants of that country..

THE CHURCH IN CANADA.

The ARCHBISHOP of CANTERBURY. — I beg to give notice that I shall, on Tuesday next, present some petitions relative to the state of the church in the colonies; and, also, that I shall avail myself of that opportunity to move for certain papers on the subject of the state of the church in Canada.

THE SELECT COMMITTEE ON CRIME IN IRELAND.

LORD WHARNCLIFFE. — My Lords, I have now to present the Report and the evidence taken before the select committee appointed to inquire into the state of crime in Ireland. In the first instance, it was the intention of the committee to submit to your Lordships a summary or abstract of the evidence taken before them. They, however, soon found that such a course would be unwise. That full justice might be done to the subject which was under investigation, and that nothing material might be omitted, the committee therefore determined to lay upon the table the whole of the evidence, instead of an abstract. I shall now move that the Report be read.

The Report was accordingly read by the clerk at the table, and was as follows:—

The committee have examined a considerable number of witnesses, and they think it desirable that the evidence given by these witnesses should be submitted to the House, unaccompanied by any comment or opinion upon the part of the committee. The examination of witnesses, and the late period of the Session, have precluded the possibility of the committee now investigating some parts of the subject of the greatest importance to the elucidation of the state of Ireland in respect of crime. The committee, in making this Report upon that portion of the evidence now before them, beg most respectfully to recommend the whole to the serious attention of the House. It may be for the consideration of the House, whether or not the committee shall resume its labours in the next Session of Parliament. The committee beg, also, to lay before the House an Appendix and Index to the said evidence.

LORD BROUGHAM. — Having regularly attended the committee, and having taken a part in the discussion out of which the committee originated, I deem it my duty to bring before your Lordships a proposition founded on one part of the Report. I feel it due to the Noble Chairman, to bear my testimony to his exertions and impartiality, which I am sure will be admitted to have been above all praise; and I will venture to say that his conduct was unimpeached and unimpeachable, notwithstanding the peculiar and almost unprecedented delicacy of the circumstances in which he undertook to conduct an extensive and most important investigation. But his conduct in the chair was not more marked by ability and talent, than by the display of those qualities in the preparation of the Report which the committee once purposed to present, and on which the Noble Lord bestowed the greatest attention. It was the original intention of the committee to make an abstract of the evidence for the purpose of putting the House in possession of its substance. There were about 17,000 or 18,000 questions put; and the evidence given was not contained in less than 1400 pages. It was found, however, notwithstanding all the attempts at compression that were made by the committee, that the time which would be consumed in discussing the abstract would be so great, that it was not probable they would be able to present their Report before the last day of the Session. It was resolved, therefore, to present the Report which the Noble Baron has laid upon your Lordships' table. I have now only to add, that the part of this voluminous subject to which I wish to call the attention of your Lordships, refers to matters connected with the administration of justice. I shall put into the hands of Members, as the most convenient course, a paper containing printed references to all those pages of the Report to which I mean to direct the attention of the House. I will now fix Tuesday week, the 30th of this month, for the motion of which I have given notice, — unless my Noble and Learned

Friend opposite (Lord Lyndhurst), or some other Noble Lord, will take the matter out of my hands.

LORD LYNDHURST. — I beg to say that I entertain a very strong feeling as to the evidence taken before the committee, on the subject of the administration of justice, and am extremely glad that my Noble and Learned Friend has taken it up; and I certainly shall feel it to be my duty to take part in any discussion which may ensue.

LORD HATHERTON. — Having taken an active part in the committee, I cannot avoid bearing my testimony to the extreme ability and impartiality of the chairman. I must go further, and say that, although I disapproved of the principle of the appointment of a committee which was to overhaul a department of Government, the Noble Earl, who moved that the committee be appointed, behaved, throughout the proceedings, with a courtesy, a kindness, and a spirit of justice towards his opponents, which, I think, merit the greatest praise. I hope, however, my Noble and Learned Friend will consider, again, whether he ought to call the attention of your Lordships to the Report on so early a day as he has proposed? or, indeed, whether he will do so, at all, in the course of the present Session? It has been ascertained that the Report cannot be in the hands of your Lordships till Monday, the 29th instant. Your Lordships will see, then, how utterly impossible it is to take it into consideration on so early a day as the 30th. A week, at least, must elapse before your Lordships can sufficiently understand the scope of the evidence, — particularly with respect to that subject which has been most extensively inquired into, and which ought to be approached with greater caution and moderation than any other. The greatest mischiefs may result from an opposite course of conduct.

The MARQUESS of NORMANBY. — I cannot state at too early a period, my desire to meet any charge founded upon any part of the voluminous Report which will be presented, and to give any explanation, in my power, that may be required. At the same time, I must say that the greater part of the evidence is entirely new to me; and even when I am in possession of the whole, I cannot give my undivided attention to it. It will be impossible, therefore, for me to discuss the subject on so early a day as that fixed by the Noble and Learned Lord.

LORD BROUGHAM. — I never could have meant to fix Tuesday se'nnight for my motion, if I had thought that the evidence would not be ready till the Monday preceding. I, however, read the evidence in print — from proofs, it is true — a fortnight or three weeks ago, and I hope that steps will be taken to hasten the printing. I shall alter the time which I fixed for my motion; and I will also take into consideration the suggestion of my Noble Friend behind me, as to the propriety of bringing it on at all during the present Session. When, however, a committee presents a Report containing upwards of 1400 pages of evidence, it is throwing the House into a labyrinth, to which, indeed, Members who attended the committee may have a clue; — but it is a maze which the Noble Marquess, and other Members of the House, will not escape from, without an abstract or even an index to the Report, unless some other means be taken to give them every information on the subject; and it appears to me that the best way would be, to have a discussion on the evidence. I beg to say that I have considered this subject for the last hour or two, both with respect to the situation of the Noble Marquess, and also with respect to what is fair towards the House. It would not be just to the Noble Marquess, to leave the matter undiscussed till the next Session, when, in the interval, charges might be got up against him out of this evidence, which would go forth to the world without any explanation on his part; and the Noble Marquess, as a man of sense and spirit, would most naturally be anxious to offer a defence against any matter of accusation which might so be brought forward against him. I do not, however, say that I intend to make any criminatory charge against the Noble Marquess. I am about to submit a motion to your Lordships, and I will tell you what the nature of it will be. It will be a prospective resolution; and all I say is this, — that my proposition will enable the House to understand the most important part of the evidence. At the same time I beg to observe that I do not mean to bring forward anything like a criminatory charge against any individual. As at present advised, I shall postpone my motion from Tuesday week till Monday fortnight.

The EARL of RODEN. — After what has fallen from the Noble Baron opposite, I cannot help claiming your Lordships' attention for a few moments. It was peculiarly gratifying to me that the Noble Baron expressed himself in terms so

flattering with respect to my conduct throughout the arduous undertaking in which the committee was engaged. When I felt it my duty, at the beginning of the Session, to move for the appointment of the committee, I stated, candidly, that I had no political object in doing so, — and that all that I was anxious for was, that the state of that part of the empire in which I live should be made known to the whole country. I cannot help saying that the conduct of the Noble Baron, and of the other Noble Lords who were united with me, in carrying forward the investigation, gave me the utmost satisfaction. I trust that the greatest benefits will arise to the country at large from the perusal of these documents; and I hope that the great majority of your Lordships, and of the people, will sift what is contained in the Report. With respect to the notice given by the Noble and Learned Lord opposite, I must say I think it will do a great deal of good, — that notice being given, not with a view of criminating the Noble Marquess, or any other person, but with a view of drawing the attention of the country to the circumstances in which Ireland is now placed with regard to the state of crime. Without some such movement as this, it will be impossible for your Lordships or the country to wade through the immense mass of evidence which has been collected. As to what the Noble Marquess has said about not having read the evidence, — I know that an order was made by the committee, that the Noble Marquess should be supplied with the evidence from day to day. I do not know whether that order has been obeyed, or not, — but it was made in the committee, and no person objected to it. Having stated thus much, I shall wait for the motion of the Noble and Learned Lord before I enter upon the other parts of the subject.

The MARQUESS of WESTMEATH. — I feel quite sure that a sufficient number of copies of the evidence is ready to supply all the Noble Lords now in town; and I do therefore think that some earlier day might be named by the Noble and Learned Lord for the discussion.

LORD WHARNCLIFFE. — I do hope that the printing may be so accelerated, as that the evidence will be ready for distribution in the course of next week. My Noble and Learned Friend has said that he means to call the attention of your Lordships to that part of the evidence which affects the administration of justice. Now there are other points, besides that, which I think of very great importance.

LORD BROUGHAM. — I never meant to confine the discussion upon the evidence to that which relates to the administration of justice; all I meant to say was — that that was, in my opinion, the most pressing point.

The EARL of RADNOR. — I wish to know how it is possible for Noble Lords to wade through the evidence, so as to come to a decision upon it, within the time given by the Noble and Learned Lord's notice? The Noble and Learned Lord seems to have entered upon the subject with a very strong feeling; and as there has been so much talk of impartiality in the committee, I hope that some impartiality will be exhibited, here. Most of your Lordships are unacquainted with even one of the 18,000 questions that were put during the inquiry. I do trust, my Lords, that my Noble and Learned Friend will defer his motion; for I have had no opportunity of hearing the evidence, or of knowing what its purport may be.

LORD BROUGHAM.—This is, really, a very extraordinary debate. My Noble Friend appeared to address the House, and he said "my Lords" and "your Lordships;" but he ought to have spoken in the singular number, for he was addressing one person, — namely, me. I have given a notice, to which I have a perfect right to adhere. This is an unprecedented debate, upon nothing more than the fact of a Member giving a notice; a debate which, in the other House of Parliament, where there may exist some little regard for order, never would be allowed. My Noble Friend has addressed me, and I am now about to pronounce judgment. That is the peculiar position in which we stand. Now, most judges pay attention to their suitor in exact proportion to the civility they receive from him, and the consistency of the argument urged to them. But, the language just used by my Noble Friend was most offensive to the court here. It was calculated to make the court feel justly indignant, to refuse the application made, and to prevent the judge from taking into consideration the argument employed. My Noble Friend stated, that he had heard a great deal with respect to the impartial conduct of the committee, and that he hoped there was to be some impartiality manifested towards this House. He then stated, that he had not heard that evidence. Now, if there be any individual more than another, who ought

not to have made that observation, it is exactly my Noble Friend. Whose fault is it that he did not hear the evidence? Was he not named on the committee? As the Noble Earl has charged me with partiality, I will appeal to those Noble Lords who were members of the committee, to say whether my conduct, during the investigation, was, or was not, marked by fairness and impartiality? I will venture to say that no one subjected the witnesses, on both sides of the question, with respect to the conduct of the Noble Marquess (the Marquess of Normanby), to a more rigorous cross-examination than I did; and I ask, fearlessly, whether truth could have been elicited, had I not followed that course? With respect to my Noble Friend's argument in favour of further postponement, there is absolutely no foundation for it. I regard it as nothing. Your Lordships will have twelve days to peruse the evidence in; and I am certain that, if the discussion were postponed until after the long vacation, — over which it is attempted to drive me, but over which I will not be driven, — no Member of your Lordships' House would think of reading the evidence until within twelve days of the day on which the debate was to come on. It is a mistake to suppose that the part of the evidence to which I intend to direct your Lordships' attention, occupies more than forty or fifty pages. At the outside, sixty pages are the utmost which have the least bearing on the question of the administration of justice. I again deny that there was anything like partiality displayed by any one in the committee. The Government was there represented by a very clear-headed and able man, — Mr. Drummond, — who was allowed to make any statement he deemed right on the subjects of our inquiry, — after having an opportunity, too, of reading the evidence of other witnesses. Mr. Drummond, indeed, is deeply sensible of the impartial conduct of the committee; is grateful for the manner in which he was treated; and has also expressed his gratitude for the manner in which I acted. It was certainly owing to me, that Mr. Drummond, who, in one or two instances, in giving evidence, made some omissions, did not leave town without supplying certain deficiencies, which would have left the Government he represented short of their defence. I have felt it necessary to say thus much, after the most extraordinary, unprovoked, and groundless insinuation which has been thrown out against my impartiality. I shall let the motion stand for Monday fortnight.

The EARL of RADNOR. — If, as the Noble and Learned Lord has stated, I have been offensive to your Lordships, and irregular in the course I have adopted, I beg pardon of the House; but I think the Noble and Learned Lord ought to be the last person to accuse me of irregularity for speaking on a notice of a motion, — seeing that he has, himself, spoken only three times in the course of the present conversation! I beg to state that I do not, by any means, charge the Noble and Learned Lord with partiality in the committee; but I do happen to know that, on the debate which led to the appointment of the committee, he took a very strong view of the subject in one direction. I have been charged with not attending on the committee. But the fact is, that, if I had not been disinclined to act as a member of the committee, because I disapproved of the mode and manner of its appointment, — yet my private business would have prevented me from attending.

EARL FITZWILLIAM. — With the omission of the little altercation which has just taken place, I am satisfied that this conversation will be exceedingly gratifying to the people of Ireland. I apprehend that nobody will, in the slightest degree, charge my Noble and Learned Friend with any deviation from that impartiality for which Noble Lords have been so deservedly commended; but my Noble Friend will, I am sure, admit, as readily as any man, that the views which different parties take of the same subjects are often greatly influenced by circumstances. My Noble Friend has been a most assiduous member of this committee. He has turned all the powers of his mind to the subject which was before that committee; and, — assuming that all your Lordships are as capable, as himself, of forming an opinion upon the evidence, — he concludes that twelve days will afford your Lordships ample opportunity to prepare for the discussion proposed. On that point my Noble Friend is certainly mistaken. But I rose, principally, to ask what course my Noble Friend intends to take? Does he purpose submitting a motion relating to one part of the evidence, and to throw the remainder of the evidence overboard? Does he mean to reserve one portion for discussion, next Session? Perhaps my Noble Friend will be so good as to explain himself?

LORD BROUGHAM. — I never meant, either in next Session, or in any other, to call the attention of the House to any other part of the evidence, except that which relates to the administration of justice in

Ireland,—which I conceive to be the most important part of it.

The MARQUESS of NORMANBY.—It is not my intention to prolong the present conversation; but I am anxious to have it clearly understood that I do not wish to decline or defer the discussion: my only desire is, that the subject may be brought on at such a time as will insure a full and fair debate upon it. It is perfectly true that I have been favoured with a copy of the evidence; but if I have not read any part of that evidence, it may fairly be presumed that I have been prevented, only, from the very great press of other business. I am not desirous, however, that the discussion should be fixed one day later than any other Noble Lord may deem necessary for his own preparation.

LORD PORTMAN.—Having been a member of the committee, I feel it my duty just to observe, that I shall be always ready to bear my testimony as to the impartiality of my Noble and Learned Friend (Lord Brougham) in that committee. With respect to the evidence, I consider that my Noble Friend has given your Lordships ample time to consider it. At the same time, I hope that my Noble Friend opposite will give your Lordships the benefit of some intimation, as my Noble and Learned Friend has done, of the course he intends to take.

LORD WHARNCLIFFE.—I shall certainly give as early an intimation as I am able to do.

LORD ELLENBOROUGH.—I desire to offer a few observations on this subject. If my Noble and Learned Friend will make his motion on Monday fortnight, I am sure that that day will not be inconvenient to any Noble Lord, who may not, as yet, have read one word of the evidence. There can be no objection to the Noble and Learned Lord calling upon the House to express an opinion on that part of the subject which relates to the administration of justice in Ireland; but if the Noble Chairman of the committee intends to enter generally into other topics, which were brought before the committee, I do not think there will be time for the House to make itself competent to go generally into the subject. My Noble and Learned Friend has, in my opinion, acted perfectly right in calling the attention of your Lordships to the administration of justice in Ireland,—because, although, perhaps, not in this Session, yet, in some future Session of Parliament, it may be necessary to legislate upon that subject. It would be more expedient, more convenient to the House, if the discussion were confined to the point which has been already brought under your Lordships' particular notice,—namely, the practice of the administration of justice.

LORD BROUGHAM.—My statement will be confined exclusively to that point; and it is very probable that it will require, on the part of the Government, some explanation,—possibly a defence,—but, certainly, a discussion.

EARL FITZWILLIAM.—I beg to ask what security there is that the debate will not diverge into every other subject?

LORD BROUGHAM.—Oh! there can be no security for that, whatever.

EARL FITZWILLIAM.—My Noble and Learned Friend says there can be no security, but (he means) that he will so conduct the debate as to keep your Lordships in the channel which he shall prescribe. Now, I will be bound that, however great the powers of the Noble and Learned Lord may be, he will fail in attaining his object. My Noble and Learned Friend, in private, I know, says I am the most obstinate of men; nevertheless, I would suggest to him the propriety of altering his course on this occasion,—as to persist in it would involve your Lordships in the discussion of other topics.

LORD WHARNCLIFFE.—I rise merely to state that I shall not press the subject of the discussion announced by the Noble and Learned Lord opposite, beyond the terms of the motion; and I shall take the liberty of drawing the attention of the House to other matters upon another opportunity.

LORD STUART DE DECIES.—The administration of justice in Ireland has been considered the weak point which has hitherto been made the furnace for heating red-hot balls to be fired against the Government; but, on, my side of the House, we do not think it such a point. I hold, indeed, that we should look to the conduct of the Government, as well as to those other matters which have been touched upon; and that my Noble Relative, the Noble Chairman, with regard to what has been so imperfectly stated, would best show his impartiality on this occasion, by pledging himself to bring forward the whole question. That seems to me the most fair and most consistent course.

The MARQUESS of WESTMEATH.

—I do not think that the balls will be hotter on the one particular subject just now adverted to, than on any other.

The Report was then ordered to be printed; minutes of evidence, together with an Appendix and Index to be delivered out.

BILLS OF EXCHANGE (No. 2.) BILL.

Order of the Day for the third reading and the Lords summoned, read; Bill read a third time accordingly, passed, and sent to the Commons.

OFFICERS OF MILITIA.

The MARQUESS of LANSDOWNE presented a Bill for taking away the exemption, except in certain cases, of officers in the militia, to serve as sheriff. — Read a first time, and to be printed.

ELECTION PETITIONS TRIAL BILL.

The Order of the Day for the second reading of this Bill, and the Lords summoned, having been read, —

LORD LYNDHURST said: — I understand that it would be convenient to many Noble Lords, — and particularly to the Noble and Learned Lord on the woolsack, who is obliged to leave the House, — that I should not now make the statement which I proposed to offer upon the subject of this measure, but that the discussion upon it should be taken on its going into committee. I am perfectly willing to accede to this proposition, and therefore beg to move that the Bill be committed on Tuesday next.

The Bill was then read a second time, and committed to a committee of the whole House on Tuesday next; and the Lords summoned.

LOWER CANADA GOVERNMENT BILL.

The MARQUESS of NORMANBY. — The second reading of the Canada Government Bill is fixed for Tuesday; and if it should be convenient to your Lordships to allow that stage to pass without discussion, I will take the discussion on the going into committee on Friday next.

PLEADINGS IN COURTS (INDIA) BILL.

Read a second time (according to Order), and committed to a committee of the whole House on Monday next.

PRISONS (SCOTLAND) BILL.

The Order of the Day for receiving the Report of the amendments made in this Bill, and the Lords summoned, having been read, —

The EARL of GALLOWAY said:— Your Lordships, last night, resolved, that, in English prisons, no chaplain should be appointed who was not a member of the established church. It appears to me that that resolution is not only a correct one, but one, also, which is perfectly consistent with toleration; and I beg, therefore, to call upon your Lordships to affirm the same principle in reference to prisons in Scotland. With this view, I propose that a proviso shall be added to the fifteenth clause of the Bill, "That the chaplain so to be appointed to the general prison or prisons aforesaid, shall be a minister or a licentiate of the established church.

Agreed to.

The EARL of GALLOWAY. — I beg to give notice, that (if the principle should be adopted in the English Prisons Bill) I will, for the sake of uniformity, move (on the third reading) that the religious books for the use of prisons be selected by the chaplain.

The Bill was then ordered to be read a third time on Thursday next; and the Lords summoned.

STANNARIES COURTS (SCOTLAND) BILL.

The EARL of FALMOUTH.— Seeing my Noble Friend (Lord Holland) in his place, I beg to ask him whether the Stannaries Courts (Scotland) Bill has yet received her Majesty's concurrence?

LORD HOLLAND. — Her Majesty's consent has been signified.

The EARL of FALMOUTH. — It is only necessary, then, that I should express my hope, that, as the Bill passed through the other House of Parliament without objection, and received the consent of the parties interested, your Lordships

will allow it to go into committee. I may take it for granted, that every provision will meet with your Lordships' approbation.

The House then accordingly went into committee; Bill reported, without amendment; and to be read a third time on Monday next.

SUPREME COURTS (SCOTLAND) BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly; Bill reported, without amendment; and to be read a third time on Tuesday next; and the Lords summoned.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read; House in committee accordingly, and went through the Bill, with amendments; the Report thereof to be received on Monday next; and the Lords summoned.

COMMERCIAL RELATIONS OF ITALY.

On the motion of the EARL of LOVELACE, an Address ordered — for copy of Doctor John Bowring's Report on the Commercial Relations of Italy.

REGISTERS OF BIRTHS, &c. BILL.

To be read a second time on Tuesday next.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

To be read a second time on Thursday next.

SABBATH.

Petition for the better observance of, and for suspension of the business of the Post Office on the Sabbath, — of inhabitants of the hundreds of North and South Erpingham. — Read, and ordered to lie on the table.

POSTAGE.

Petitions for a reduction of the rate of, — of members of the Mechanics' Institute in Taunton; and of inhabitants of Abergele. — Read, and ordered to lie on the table.

Also, a petition of the inhabitants of Shrewsbury. — Read, and ordered to be received as the petition of Richard Ford (mayor), who, only, has signed it.

CHURCH DISCIPLINE BILL.

Petition against, — of clergy of the archdeaconry of Oxford. — Read, and ordered to lie on the table.

EDUCATION (NATIONAL.)

Petition in favour of the plan recommended by the Privy Council, — of inhabitants of Dawlish, Wake. — Read, and ordered to lie on the table.

PAPERS.

Copy of warrant granting compensation allowance to John Parker, as one of the assistent clerks in the Inner House of the Court of Session, Scotland. — Delivered (pursuant to Act), and ordered to lie on the table.

Return of all Reports made by stipendiary magistrates and officers of police to the inspector general of the constabulary, or to the Government, of outrages which have been committed within the county of Longford, from the 1st of January, 1837, to the 30th of June, 1839. — Delivered (pursuant to order of the 14th of June last), and ordered to lie on the table.

Copy of the warrant for the appointment of her Majesty's sole and only master printers in Scotland: And, also,

Copy of instructions for her Majesty's sole and only master printers in Scotland.

Delivered (by command), and ordered to lie on the table.

Reports relating to Parkhurst Prison. — Delivered (by command), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

MESSAGE TO ATTEND THE LORDS COMMISSIONERS.

The House went; and being returned, —

Mr. SPEAKER reported the Royal Assent to — Glass Duties Bill; Brick Duties Bill; Paper Duties Bill; Jamaica Laws Bill; Parochial Cure of Souls Bill; Borough Courts (No. 2.) Bill; Bankrupt Liability Bill; Borough Watch Rates Bill; Newport Dock Bill; Deptford Pier Bill; South Eastern Railway (No. 2.) Bill; Northern and Eastern Railway (No. 1.) Bill; Northern and Eastern Railway (No. 2.) Bill; Deptford Pier Junction Railway Bill; Over Darwen Gas Bill; Sidmouth Improvement and Market Bill; Patent White Lead Company Bill; Filtration Company Bill; Black Quarry (or Anniesland) Road Bill; Earl of Galloway's Estate Bill; Davie's Estate Bill; Hall's Estate Bill; Marshall's Estate Bill; Earl of Stamford's Estate Bill; Reading Corporation Estate Bill; Pemberton's Divorce Bill; Mellin's Divorce Bill; Weguelin's Divorce Bill; and Count de St. George's Naturalisation Bill.

PRIVATE BUSINESS.

Boulton's Estate Bill. — Read a second time, and committed to CAPTAIN ALSAGER and the East Surrey list.

Oldham Small Debts (No. 2.) Bill. — Reported.

On the question, that it be ingrossed, —

Mr. HAWES said: — I understand that this Bill has been selected as a kind of model Bill for all the others; and, as it specifies only 15*l.* as the amount of jurisdiction, I beg to give notice that, before the Bill is read a third time, I shall move that the jurisdiction be extended to 20*l.*, that being the amount specified in the County Courts Bill.

Mr. GISBORNE. — I happen to have been one of the selected Members on the committee, which will explain my connection with the Bill. The committee found the amount of jurisdiction different, in various Bills; in some of them 5*l.*, in some 10*l.*, and in this case 15*l.* was thought necessary, as a *maximum*, — the Bill being, as stated by the Honourable Member, a sort of model Bill. I think the Honourable Member for Lambeth ought not to persevere with the amendment which he threatens, — as I fear it will have the effect of defeating the Bill altogether.

Mr. AGLIONBY. — If the Honourable Member for Lambeth should run the risk of throwing out the Bill by the amendment of which he has given notice, undoubtedly, I would not wish him to persevere in bringing it forward on the motion for the third reading. But I do not think it can be attended with that result. I quite agree in the propriety of extending the jurisdiction to 20*l.*, in order to make the provisions of these Bills uniform, and quite analogous to the County Courts Bill.

The EARL of LINCOLN. — It would be hardly fair to propose such an alteration, generally, in the amount of jurisdiction, upon the third reading, because the opposition upon that point was withdrawn in committee, by the insertion of the respective amounts stated in the Bills.

Mr. D. W. HARVEY. — If all these Bills are to be made so strictly analogous to the County Courts Bill, it is difficult to see the ground on which the promoters of them can expect that they shall obtain the sanction of the House. If the County Courts Bill is to pass this Session, — which I hope will be the case, — or even in the next, — then I can discover no good reason for the passing of these Bills, — which are to be placed on a footing of strict conformity with the general measure. If it be true, as has been said, that the general measure is to meet with opposition in another place, how can you expect that these Small Debts Bills, so professedly analogous to it, will be allowed to pass? I entirely disapprove of this petty system of legislation. The same interests that now support these Bills, will rise up, some day, and oppose

the concession of a larger and more comprehensive enactment. I view these Bills as tending more to the promotion of professional advantage, than of any good to the public. I think it extremely unwise for the House to give its sanction to this rambling species of legislation; and I trust that a discussion may yet be taken upon the general principle of these Small Debts Bills, before they shall be read a third time, with a view to their being defeated. If the Report of the Select Committee on the County Courts Bill cannot be acted on, this Session, the whole of these Bills should be postponed till the next Session.

SIR G. GREY. — I fear it will not be practicable to pass any measure at so late a period of the Session, founded on the Report of the Select Committee on the County Courts Bill, — although I believe a general wish is entertained that such a measure should be carried through. If, however, it cannot be accomplished during the present Session, I have no hesitation in saying that such a measure will be brought forward early in the next.

Mr. BAINES. — When the general measure shall have passed, these Small Debts Bills will cease to exist. They have been under the consideration of Parliament during the entire Session; and their progress has been interrupted by the expectations which were held out, that a general measure would pass during the present Session. If that measure is not to be proceeded with, the House will not be acting fairly or justly, if it do not allow these Bills to be proceeded with until that measure shall be passed.

Mr. HAWES. — I should be sorry to throw unnecessary obstacles in the way of these Bills. But I cannot refrain from enforcing the adoption of the recommendations of the select committee with regard to them. I shall certainly feel it my duty to take the sense of the House on the third reading, as to the amount of jurisdiction.

Mr. FRESHFIELD. — If Honourable Gentlemen would recal to their minds what has already taken place in reference to these Bills, I cannot conceive it possible that they would be disposed to interpose any difficulty at the present stage. Two of these Bills have been sent to the House of Lords, — this House having sanctioned the principle contained in them. The remainder were postponed with a view to their being drawn upon the same uniform plan. That has been done; — new Bills have been introduced; — and I cannot think it fair, that, at the last moment, it should be proposed — as it has just been, by the Honourable Member for Southwark — to discuss the general question. Then, Sir, if these Bills are to be allowed to proceed, why insist upon a jurisdiction of 20*l.*, if there be not a necessity for that amount in all these places? or, why make these Bills conform, in that respect, to the general Bill, which, after all, may never pass into law? If it should become law, then these Bills will be absorbed in that general measure; but, in the mean time, I cannot see any justice in presupposing that it will pass in its present shape, and in requiring that all these Bills shall be in exact conformity with it? You want, now, to anticipate what has to be discussed and decided on hereafter. I therefore trust that Honourable Gentlemen will not oppose the further progress of these Bills.

Bill ordered to be ingrossed.

WARRINGTON SMALL DEBTS (No. 2.) BILL.

Reported; several Amendments agreed to; amendment, in Clause 3., to leave out "six weeks," and insert "two months." Motion made, and question put, "That this House doth agree with the committee in the said amendment."

Mr. HAWES. — Is this Report the same as the Report on the Oldham Bill?

Mr. GISBORNE. — It is the same in substance.

Mr. HUME. — Sir, I rise to oppose this amendment, — not from any objection I have to the amendment, or to the Bill itself, but because I do not think we ought to allow these Bills to be proceeded with, until some distinct understanding shall be come to with respect to the general measure. As I now observe the Noble Lord the Secretary of State for the Home Department in his place, I beg to ask him whether it is intended to persevere in the County Courts Bill this Session, in expectation of which the Small Debts Bills have been postponed from time to time? Every one who has had an opportunity of witnessing the benefits which the people of Scotland have derived from their system of county courts, must be

desirous of seeing the advantages resulting from that system enjoyed by the people of England. The only way to obtain a general Bill, in my opinion, is to refuse assent to these separate Bills. Early in the Session, they were put off from time to time on the assurance that it was the intention of the Government to go on with the general Bill. I have not yet heard that they have given it up; indeed, I think they ought not to be allowed to give it up. In justice to the country, the Government ought to be urged to proceed with the general Bill this Session. Let it be understood that I am not speaking upon the merits of the question; I am speaking for the public at large. So far from ever having been an enemy to measures to facilitate the settlement of debts, I have always expressed my satisfaction that the Noble Lord had introduced the general measure, which I hope he is prepared to go on with.

LORD JOHN RUSSELL. — It certainly was my wish to have proceeded, and I thought I should have been able to proceed, with the County Courts Bill, this Session; but I must say, that, after the experience of last night, I now entertain considerable doubts of my being supported by the House with sufficient energy to enable me to do so.

Mr. WARBURTON. — The longer the Noble Lord delays the general Bill, the greater opposition will it encounter. There is nothing like trying. If the Noble Lord do not try, how can he know whether the opposition to the Bill will prevent it from being passed this Session, or not? "Fortune favours the brave."

Mr. BROTHERTON. — I do hope that, whatever becomes of the general measure, the House will, in justice to the parties who have been put to such great expense, by the continued delay that has taken place, allow these Bills to be proceeded with.

Mr. HARVEY. — There is something very inconsistent in the course which the House is pursuing with regard to these Bills, whose chief recommendation to their support seems to be, that the promoters of them have incurred a very considerable expense, and that bad legislation shall therefore be sanctioned. Why were those Bills postponed? Because the consideration of the whole matter was referred to a select committee. That committee, which consisted of Gentlemen of all parties, without regard to party feeling, sat a great many days, and came, after mature investigation, to a unanimous determination on the points of their inquiry — with one exception. That exception related to the patronage of appointing judges. The question on which the committee differed in that respect was, whether the patronage should be given to the Lord Chancellor or to the magistrates of counties. The cause of that difference, and of the opposition which the minority of the committee encountered, originated in the doctrine that there was a sort of hereditary right in some great families to dabble in the administration of public justice, and to set up a species of pecuniary standard on that subject. But, apart from that point, the committee were unanimous in the recognition of the great general principle of cheap justice to the people; and I cannot see on what grounds the Noble Lord supposes that a general Bill would encounter greater opposition in this House, or elsewhere, than a mass of these little Bills. As regards what the Noble Lord said of his experience last night, — if that were to actuate his future proceedings, the Government might as well stop legislation, altogether. Instead of that, however, I observe that they brought in four new Bills last night; and the Noble Lord is not prepared to say that the Lord Chancellor may not, yet, bring in a Bill in another place, to appoint another judge in Equity. Why, then, should he hesitate to proceed with a general Bill of this nature, on a matter which excites such general interest throughout the country? Why should he allow it to be arrested in this manner? and permit the statute-book to be encumbered with a number of little measures tending only to produce a great deal of public mischief? I trust that my Honourable Friend, as these Bills proceed, will not fail to reiterate his opposition to them.

Mr. GISBORNE. — I really consider that the House has already pledged itself not to interfere further with the progress of these Bills. It would be extremely unfair to turn round, again, upon the parties, after the great expense they have incurred, and the readiness they have evinced to act in conformity with the wishes of the House. I therefore trust the House will allow them to go through, this Session. While I make this appeal, I can assure the House that I am most desirous to see the general measure pass; and nothing that can take place in regard to these Bills, shall, in the least de-

gree, affect my support to the general Bill, when it shall be brought forward.

Mr. HUME. — I certainly feel it my duty to divide the House upon this amendment; for, more particularly after the declaration of the Noble Lord, I am persuaded that the best way to secure the general measure is by opposing these Bills. If I do not succeed on this, I shall not trouble the House to divide a second time, as I shall have an opportunity of opposing them at a future stage.

The House divided: — Ayes 79; Noes 9; — Majority 70.

AYES.

Adam, Admiral	Langdale, Hon. C.
Alsager, Captain	Langton, W. G.
Arbuthnott, Hon. H.	Lascelles, Hon. W. S.
Ashley, Lord	Lennox, Lord A.
Barnard, E. G.	Lincoln, Earl of
Berkeley, Hon. H.	Loch, J.
Blair, J.	Lygon, Hon. General
Boldero, H. G.	Macaulay, T. B.
Broadley, H.	Macleod, R.
Brotherton, J.	Morpeth, Lord Visct.
Bryan, G.	O'Ferrall, R. M.
Buller, Sir J. Y.	Palmer, C. F.
Cartwright, W. R.	Palmer, G.
Cayley, E. S.	Parker, J.
Chapman, A.	Parker, R. T.
Chetwynd, Major	Perceval, Hon. G. J.
Clay, W.	Philips, M.
Colquhoun, J. C.	Powerscourt, Lord Vt.
Craig, W. G.	Russell, Lord J.
De Horsey, S. H.	Sandon, Lord Visct.
Divett, E.	Seymour, Lord
Egerton, Sir P.	Sibthorp, Colonel
Euston, Earl of	Smith, B.
Evans, W.	Somerset, Lord G.
Ewart, W.	Somerville, Sir W. M.
Freshfield, J. W.	Steuart, R.
Gordon, Hon. Captain	Strutt, E.
Goulburn, Rt. Hon. H.	Thomson, Rt. Hon. C. P.
Grant, F. W.	Thornely, T.
Grey, Rt. Hon. Sir G.	Turner, W.
Grimsditch, T.	Walker, R.
Hale, R. B.	Wallace, R.
Hastie, A.	Welby, G. E.
Hector, C. J.	Wilbraham, G.
Hinde, J. H.	Wild, Mr. Serjeant
Hodgson, R.	Worsley, Lord
Hope, Hon. C.	Young, J.
Hutton, R.	
James, Sir Walter C.	
Jenkins, Sir R.	*Tellers.*
Kemble, H.	Baines, E.
Labouchere, Rt. Hon. H.	Gisborne, T.

NOES.

Aglionby, H. A.	Stewart, James
Duncombe, T.	Warburton, H.
Finch, F.	
Hawes, B.	*Tellers.*
Hodges, T. L.	Harvey, D. W.
Lushington, C.	Hume, J.
Salwey, Colonel	

Amendment agreed to; other amendments agreed to; Bill to be ingrossed.

Rochdale Small Debts (No. 3.) Bill; Grantham Small Debts (No. 2.) Bill; Wirksworth Small Debts (No. 2.) Bill; Eckington Small Debts (No. 2.) Bill; Belper Small Debts (No. 2.) Bill; Chesterfield Small Debts (No. 2.) Bill; Glossop Small Debts (No. 2.) Bill; Nottingham and Mansfield Small Debts (No. 2.) Bill; Newark Small Debts (No. 2.) Bill; Aberford, &c. Small Debts (No. 2.) Bill; Rotherham Small Debts (No. 2.) Bill; Hatfield (York) Small Debts (No. 2.) Bill. — Reported; to be ingrossed.

Pontefract Honor Court Bill; Ship Propeller Company Bill. — Lords' amendments agreed to.

Templar's Estate Bill. — Read a second time, and committed to SIR JOHN YARDE BULLER and the South Devon list.

PUBLIC BUSINESS.

RETURNS, &c.

The following Returns were severally presented, and ordered to lie on the table; namely, —

Woollen Goods. — Return of Duties paid on the export of manufactured woollen goods to the United States of America, since 1815; and, copies of memorials to the Treasury, the Board of Trade, and the Board of Customs (ordered the 30th of May).

Unstamped Promissory Notes (Ireland). — Return of the average amount of circulation of notes of Banks in Ireland, on which composition for stamp duty has been paid (ordered the 4th of July).

Printed Papers. — Return of the expense of printing for the House of Commons, since 1830, and of produce of sale of parliamentary papers (ordered the 5th of July).

Coronation Expenses. — Return of expenditure of 69,421*l.* for her Majesty's coronation (ordered the 8th of July).

Court of Session (Scotland). — Copy of warrant granting compensation to John Parker, as one of the assistant clerks in the Inner House of the Court of Session in Scotland (by Act).

Justices of the Peace. — Further Return of applications made to the Court of

Queen's Bench, for leave to file criminal informations against justices of the peace, &c., from 1834 to 1838 (ordered the 3d of June).

Bankruptcy Fiats. — Return of the number of bankruptcy fiats issued from the 11th of January, 1838, to the 11th of January, 1839 (ordered the 11th of July).

Queen's Printers (Scotland). — Copy of the warrant for the appointment of her Majesty's sole and only master printers in Scotland, with copy of instructions (by command).

John Thorogood. — Copy of the memorandum of the visiting justices and governor of the gaol of Chelmsford to the Secretary of State for the Home Department, with reference to the treatment of John Thorogood (Address the 17th of July).

Answer to Addresses for papers (the 6th, 9th, 12th, 15th, 17th, and 18th of July) reported.

PETITIONS.

Church of Scotland, — From Cleish, in support.

Postage, — From Aberyschan, for a low and uniform rate.

To lie on the table.

PAPERS.

Australia Aborigines. — On the motion of Mr. CHARLES LUSHINGTON, Address for —

Copies or extracts of despatches relative to the massacre of various aborigines of Australia in the year 1838, and respecting the trial of their murderers.

Alexander Humphreys. — On the motion of Mr. WALLACE, Address for —

Return, in detail and columns, of the total expenses of the actions and proceedings in the Courts of Session and Justiciary in Scotland, at the instance of the officers of the Crown, respecting the claims of Alexander Humphreys to the title of Earl of Stirling, including all sums paid previous to, or in consequence of, the said actions, whether these were incurred abroad or at home, in procuring evidence or otherwise; the Return to show the respective names and sums paid to counsel, law agents, and other professional men, with the dates of payment, and the total amount paid to each; also, the time when the said actions commenced and ended; also, the authority under which these suits were instituted, and the fund or funds from whence the expenses were paid; the Return to be made up to the 12th day of July, 1839, and to show, at one view, the total expense charged on the country, in consequence of the aforesaid actions.

Courts of Request. — On the motion of Mr. WILLIAM MILES, Address for —

Return of the Courts of Request, Courts of Conscience, and all other courts in England and Wales having jurisdiction in personal actions, except the superior courts at Westminster and in the counties palatine, and of the extent of their jurisdiction, with the following particulars of such courts respectively: — Names of the assistant barister, chairman, and other presiding officer, clerk, registrar, and other officers of such courts; the date of their establishment; their constitution and jurisdiction; the number and description of officers, and their duties, by whom appointed, how paid, and to what amount annually; the number of their sittings and of their suits, during the last three years; the various stages of their proceedings, and the fees payable thereon; and the number of executions within the last three years, specifying whether against person or against goods.

Dean Forest Commission. — On the motion of LORD GRANVILLE SOMERSET, Accounts ordered —

Of the number of days on which each of the Dean Forest Commissioners, under the Act 1 and 2 Vic. c. 48., attended in the execution of their duties:

Of the amount of salary paid to each commissioner:

Of all sums paid as salaries, or allowances, to other individuals, distinguishing their names, holding situations under the commission; specifying the duties which they have performed:

Of all sums expended in defraying the contingent expenses of the commission:

Of any expenses attending any awards which have been made, and of the date of the several meetings held by the commissioners; these Accounts to extend from the appointment of the commission to the 25th day of June, 1839.

Warwick Gaol. — On the motion of Mr. O'CONNELL, Return ordered —

Of the number of persons confined in Warwick gaol, before trial, for the last five years, and who have been acquitted; specifying the length of time each person was confined, and the offence with which such person was charged.

Unlawful Meetings. — On the motion of Mr. ROBERT STEUART, Address for —

Copy of a letter from her Majesty's Principal Secretary of State for the Home Department to Colonel Rolleston, M.P., dated Whitehall, 3d June, 1839, on the subject of unlawful meetings.

WARWICK GAOL.

On the motion of Mr. HAWES, copy ordered — "of the rules and regulations adopted in the county gaol of Warwick."

SIR E. WILMOT. — I beg leave to state, that, after the petitions which were last night presented to both Houses of

Parliament, I wrote to the magistrates at Warwick, requesting them to make inquiries into the subject, and to forward their report as soon as possible.

HIGHWAY RATES BILL.

Committee deferred from Tuesday next till Wednesday next.

SMALL TENEMENTS BILL.

Second reading put off for three months.

EDUCATION.

Mr. COLQUHOUN. — Sir, I wish to know from the Noble Lord the Secretary for Ireland, when we are to expect the Returns promised by the Commissioners of Education in that country? and, also, whether, or not, the schools which have withdrawn themselves from the superintendence of the board are to refund the grants they have received?

LORD VISCOUNT MORPETH.—Sir, with reference to the first question of the Honourable Member, I have only to say that the Returns he mentions were laid on the table last week: in answer to his second, I beg to state that arrangements are in progress for compelling the repayment of all sums granted, by those schools which cease to recognise the board's authority.

DANISH CLAIMS.

Mr. HUTT. — Sir, I wish to put to the Right Honourable the Chancellor of the Exchequer a question as to why no answer has been made to the House on the subject of the Address on the subject of Danish claims?

The CHANCELLOR of the EXCHEQUER. — Sir, if the Honourable Gentleman will move for a copy of the Treasury minute, he will find a full answer to his question.

Mr. HUTT. — Then, Sir, I move for a copy of the minute.

Agreed to.

PAYMENT OF RATES BILL.

Mr. J. PARKER. — Sir, I wish to know from the Noble Lord the Secretary for the Home Department, what is to be done with the two objectionable clauses in he Payment of Rates Bill?

LORD J. RUSSELL. — A new Bill will be introduced on this subject, without the clauses which have been objected to.

BUSINESS OF THE HOUSE.

LORD J. RUSSELL. — I think this a fitting opportunity for stating, that, from the length of time which the consideration of a portion of the Summary Jurisdiction Bill last night occupied in committee, I see that there is no probability of that Bill passing into a law this Session, and I will therefore withdraw it. With respect to the order of business next week, the first question on Monday will be the second reading of the Bill on the Post Office, brought in by my Right Honourable Friend the Chancellor of the Exchequer. When that Bill is disposed of, we propose to proceed to a Committee of Supply. On Wednesday, my Right Honourable Friend intends to bring forward the discussion on the question of the Bank of Ireland; and if there shall be sufficient time after that discussion, we will go on with the estimates in a Committee of Supply.

BANK OF IRELAND.

Mr. HUME.—Sir, the Chancellor of the Exchequer had fixed Monday for the discussion of the Irish Bank charter. If the day is to be changed, I want to know at what hour, and in what form, the question is to be brought forward on Wednesday? I will make my motion on going into Supply, unless I am informed how the question is to be introduced.

(There was no answer given to the question.)

SALE OF BEER BILL.

Mr. R. PALMER. — I beg to ask the Noble Lord the Secretary for the Home Department whether the Sale of Beer Bill will be taken at an early hour on Monday?

LORD J. RUSSELL. — The Committee of Supply will come on before the Beer Bill.

POOR LAW CONTINUANCE BILL.

LORD G. SOMERSET. — Sir, I wish

to know whether the Noble Lord intends to introduce the bastardy clauses into the Poor Law Continuance Bill?

LORD J. RUSSELL. — The Poor Law Continuance Bill will be brought on to-morrow. I do not propose to introduce the clauses to which the Noble Lord refers, and which I conceive would lead to considerable discussion. With respect to the clauses relating to bastardy, they will be brought forward in a separate measure.

Mr. YORKE. — I wish to know whether the Noble Lord will consent that the eighty-sixth and eighty-seventh clauses of the Summary Jurisdiction Bill shall be introduced into the Poor Law Continuance Bill?

LORD J. RUSSELL. — I have no objection to the introduction of those clauses.

FACTORIES BILL.

LORD ASHLEY. — Sir, it would be a great convenience to Honourable Members to know whether the Government intend to proceed with the Factories Bill? and at what time?

LORD J. RUSSELL. — I beg to state that, when the Bill was last in committee, it was decided, by a majority of the House, to postpone one of the clauses; and it has been necessary, in consequence, to alter the Bill. We cannot proceed with it as it was originally introduced, after the division upon that point, which was carried by a majority of 2; a division for which I have a great respect. To-morrow the Bill will go into committee, when the clauses which the change has rendered necessary will be introduced; and when those clauses are in the hands of Honourable Members, we will go on with the Bill next week.

Mr. P. THOMSON. — I beg, also, to state that the alteration which was made, when the Bill was in committee, involves considerable difficulty, and has, in fact, made it necessary to remodel the Bill to a great extent. I believe, that when the Bill shall come forward again, it will be in a shape which will meet with very little opposition from any quarter, unless there should be any disposition to undo what the House has already done.

BANK OF IRELAND.

Mr. HUME. — Sir, a few minutes since, I put a question to the Chancellor of the Exchequer respecting the motion on the Bank of Ireland, to which I have received no answer. I beg, therefore, to give notice, that, on the Order of the Day for going into Supply on Monday next, I will bring forward my motion, which is fixed for that day.

LORD J. RUSSELL. — I think the Honourable Member will have as good an opportunity of bringing forward his motion on Wednesday, as on the day originally fixed.

Mr. HUME. — My reason for pressing my question is, that I have the letter of the Chancellor of the Exchequer in my hand, fixing Monday for my motion; and, before I give up that, I want to know whether it is to be the first thing to come on on Wednesday?

BRITISH LEGION.

CAPTAIN BOLDERO. — Sir, I give notice that, on the Order of the Day for going into Committee of Supply on Monday next, I will submit to the consideration of the House the claims of the Legion which has served in Spain.

INLAND WAREHOUSING BILL.

Petitions presented against, — by LORD VISCOUNT SANDON, and Mr. HUTT, — from Liverpool; and Kingston upon Hull (four petitions). — To lie on the table.

Order for committee read; motion made, and question proposed, "That Mr. Speaker do now leave the chair."

Mr. P. THOMSON. — Sir, on rising to propose that the House resolve itself into a committee upon the Bill, I beg, at this stage of the proceedings, to offer a few observations, as I understand it is intended to oppose the Speaker leaving the chair. The principle on which this Bill is framed is very simple. At present, the Treasury has power, upon the recommendation of the Commissioners of Customs, to constitute any port a port for warehousing goods. That power is confined, by law, to towns which are ports. But it is often difficult to determine what is a port, and what is not. A place having a river running up to it, which could scarcely be called navigable, might make such application, and the authorities would have great difficulty in determining upon the legality of its claim. Frequent instances of this kind have occurred

The object of the present Bill is to extend to the Treasury the same power with respect to towns, which it at present exercises with respect to ports. Thus, the difficulties of which I have spoken would be removed, and considerable advantage would also be gained by the extension of the bonding system to inland towns. I feel sure that I need not press on the House the advantages of the bonding system to the trade of this country. They are so obvious, and have been so much proved by experience, that the only question, probably, which I shall have to argue, will be this, — that, by extending the system to inland towns, the revenue will suffer no damage whatever. I believe that the revenue will suffer no injury from the change. Every security for the revenue which exists in the case of ports, will be continued as to towns, under the Bill. The same security will be continued which exists with respect to goods carried coastwise, and goods carried from one warehouse to another, — namely, a bond, taken in double the amount of the duty to which the goods, themselves, are liable. I shall mention to the House one of the anomalies that exist in the present state of the law. If a man wish to convey goods from the port of Leith to Liverpool, he has, under the present law, full power to do so, in any way he pleases, — by land, sea, or canal, — and the revenue suffers no injury, whatever, from the exercise of that option, in consequence of the bond. That system is found to work well. But, if the same party wish to convey his goods from Leith to Birmingham or Leeds, he is deprived of the advantage, in consequence of those towns not being bonding places. I am at a loss to conceive what argument can be urged — when the Government, from the experience of the present system, is satisfied that no injury could arise, therefrom, to the revenue — against the extension to inland towns, of the same system. Looking abroad, we shall find that other countries have adopted it long ago. France has adopted it to the fullest extent; Germany has also adopted it to the fullest extent. England, alone, has not yet adopted the system of permitting inland towns, as well as towns on the coast, to enjoy the advantages of bonding. I may be told that the ports are opposed to the measure; and that, if it be carried, their exclusive advantages will be somewhat diminished. I hope, however, that, in this House, such a motive will not be allowed to prevail. It is the duty of this House, not to protect the interest of one class against the interest of another I know of no vested interest which the inhabitants of the ports can pretend to set up as a reason for depriving their fellow subjects of advantages to which they are justly and equally entitled. But, with a view to the security of the revenue, and also to the avoidance of expense, I feel it my duty, in offering these privileges to inland towns, to give them with considerable restrictions. I do not mean to propose that parties transferring their goods from a port to an inland town should have the opportunity of bonding them in those towns, subject to all the allowances which are made in the best kind of warehouses at ports. But I propose that the weights and measures taken at the ports, and the duties paid according to those weights and measures, shall remain fixed when the goods are taken out of bond in the inland towns. The bond provides against any insecurity to the revenue, and there will be little or no increase of expense from the contemplated change, — in the Customs department; — because the letter, passing out the goods, will be so simple as to require the presence of only one or two officers. If the appointment of those officers causes a slight increase of expense, it is expense which is justified and called for, and one which the House has no right to refuse, if it be necessary to give fair and proper facilities to the trade of the country. I must here observe that I understand that the going into committee on this Bill has been made a matter of considerable canvass. I know that such a canvass has been going on in the place which I have the honour of representing. Perhaps I differ a little from my constituents upon it, for I believe — I say it openly — that they will hardly receive any particular advantage from the Bill. The proximity of Manchester to Liverpool, and the facilities which exist for the transmission of goods between the two places, will prevent Manchester from deriving any great benefit from the change which I propose. But with respect to the more inland towns, — Birmingham, Sheffield, Leeds, Halifax, and others, — the advantage will be very great indeed. I hope that the Bill will be discussed on its merits; I trust that it will not be opposed on the ground of any supposed injury to exclusive interests; or that any such motives will be allowed to prevail with the House.

LORD VISCOUNT SANDON.—Sir, if it had been at an earlier period of the Session, I should have been disposed to express my opinions by a motion, that this Bill be referred to a select committee. Under present circumstances, I feel myself com-

pelled to oppose it. If it were a measure by which it could be shown that great advantages would arise to the inland towns, without injury to the revenue, or other counterbalancing evils, I should not attempt to oppose it; but the House should consider that the Bill will disturb an immense amount of property which has been invested in warehouses, on the faith of a system of legislation to which Parliament has hitherto adhered. I do not exaggerate, when I say that the amount of property so invested is 4,000,000*l.* sterling; and, when I state that fact, I trust I give a reason why the House should pause before they adopt a measure calculated to have such extensive influence. My Right Honourable Friend has stated, that inland towns in foreign countries enjoy the privilege of bonding. There are obvious distinctions between those countries and England, in the greater security which they have in the transit of goods, in their system of passports, fortified towns, and examination at the gates, — arrangements which, I trust, will never be introduced into England. The goods, too, are of a different kind; none of the articles in foreign countries being taxed, as tobacco is in England, in the proportion of 900 per cent.—nor thus offering so great a temptation as is held out, here, to fraud. My Right Honourable Friend dwelt on the security afforded by the bond. But it is well known that the bond is no security whatever. It is notorious that bonds are constantly received without investigation; and it is equally notorious that, without great laxity in this respect, business cannot be carried on. It would be found extremely inconvenient, if the Custom-house were to inquire into the circumstances of a person giving a bond, so as to ascertain whether or not, allowing for all other obligations upon him, his security was sufficient. I think it also a point worthy of consideration, whether it would be desirable to aggregate in great manufacturing towns, exposed as they are to insurrections and tumults, large amounts of bonded goods, often of the most tempting nature? If the present were a final Bill, perhaps it might not have much effect, one way or the other; but, with the restrictions which it imposes, there will be few inducements to inland bonding. These restrictions will be complained of, and must in time be removed; and then increased expenditure will necessarily be incurred. Thus, however, the system will be carried to a much greater extent than it is now intended to be. My Right Honourable Friend, I believe, exults peculiarly in one circumstance connected with this Bill; and that is, the failure of an attempt to persuade the corporation of Liverpool to petition Parliament against it. I learned that fact from my Right Honourable Friend, himself; and I have been extremely anxious to find on what ground the corporation refused to petition. I find, in a Report of the proceedings, that Mr. Rathbone, who seconded the amendment in the common council, refusing to interfere, said that the Bill before Parliament was one of the most foolish which had ever been introduced; but because he did not think it well to go back to the antediluvian principles of restriction, and because it involved the principle of free trade, he would not oppose it. So much for the inference to be drawn from the refusal of the corporation to petition. I had the honour of presenting a memorial from Liverpool to the Chancellor of the Exchequer on this subject, to which, as yet, there has been no answer given. Whether it has been considered, or not, I do not know. I think we have a right to learn the opinion of the Chancellor of the Exchequer on the point, and also the opinion of the Revenue Board. Four years ago, it was asserted in this House that the Revenue Board were decidedly opposed to the measure which is now brought forward, and that they thought such an experiment perilous. For the reasons which I have stated, I am opposed to the Bill; and shall, therefore, move, "That it be committed, this day three months."

Mr. BROTHERTON. — Sir, the only ground of opposition to this Bill must be — a desire to preserve the present monopoly to seaport towns. This Bill will be of great advantage to my constituents, inasmuch as the effect of it must be to lower the present enormously high expenses of warehousing at Liverpool, and other seaport towns, and to diminish the rate of insurance in those warehouses.

SIR F. TRENCH. — Sir, I deny that this measure can be adopted without great danger to the revenue. Honourable Members may talk of a monopoly; but I do not think that seaport towns ought to be deprived of a right which they have long enjoyed, and which they have long exercised to the great benefit of the country. A request was made by my constituents, the electors of the town of Scarborough, to be heard, by deputation to the Chancellor of the Exchequer, against this Bill; that Right Honourable Gentleman, however, declined to receive the deputation.

Mr. LASCELLES.—Sir, in my opinion, the whole of this question depends upon the effect it will have upon the revenue; and,

after the statement of the President of the Board of Trade, I think that the House ought to feel perfectly satisfied on that head. If we are to sanction the principle, that we are to do nothing which shall interfere with individual interests, there will be a stop to legislation altogether. As to the objection urged,—that the present measure will be only a prelude to further changes,—that would be a reason with me for supporting it; as I hope the Chancellor of the Exchequer will not cease from these efforts, until all unnecessary restrictions on trade shall be removed. I will not trouble the House further, than by saying that my only objection to the Bill is, that it does not go far enough. I shall support it.

CAPTAIN BERKELEY.—Sir, it appears to me that this Bill is supported only for the purpose of acquiring popularity. I trust, however, that the House will be cautious before they adopt a measure so materially affecting existing interests.

Mr. A. CHAPMAN.—I object to the Bill, because of the immense patronage which it would give to Government, in the shape of the appointment of officers,—which, it appears to me, is their only object in proposing it. Besides, I do not see how security is to be obtained in the inland towns. It would cost 7,000,000*l.* to build docks and walls like those in the port of London, alone.

SIR W. JAMES.—I am very much surprised to see a Bill, so important as this, brought forward at so late a period of the Session,—and so suddenly, that the parties most interested have not had time to return to town to be present at this discussion. It is a new principle, this, of introducing important measures at the latter end of a Session; as I recollect that, lately, when I proposed to bring in a Private Bill, I was met by the excuse of the lateness of the Session. I must say that the arguments of the Honourable Members for Liverpool and Whitby convince me of the propriety of opposing this Bill.

The ATTORNEY GENERAL.—I trust I shall be permitted, in the name of my constituents, to return my warmest thanks to my Right Honourable Friend for bringing in this Bill. As the law stands at present, the city of Edinburgh, which, for all purposes, ought to be considered a seaport, is, because it has no river running into the heart of it, excluded from the benefits which seaports enjoy. All towns should be placed upon an equal footing, whether they are one or fifty miles inland. I hope that this Bill is the beginning of a system for giving free trade to every part of the country; and I feel confident that all impartial Members will support it. I think that the opposition to the Bill is raised merely on behalf of vested interests, and that the anxiety about the revenue is merely assumed. One Gentleman has appealed to us on behalf of the warehousemen of Liverpool; while another has taken high constitutional grounds, and expressed his fear of increasing the patronage of the Crown. Both parties, however, marched up to that table without a single inland Member walking in the procession. I trust they will continue alone, and that every independent Member will support this Bill.

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Mr. M. PHILIPS.—This measure was first introduced in 1834, so that no Honourable Member can justly complain that there has not been sufficient time for its consideration. The Noble Lord the Member for Liverpool has stated that the warehouses of Liverpool cost 4,000,000*l.* The duty on the goods warehoused in Liverpool is 4,000,000*l.* annually, of which the town of Manchester and its environs pay one half;—they pay, in fact, every year, half the value of the warehouses of Liverpool. I am convinced that this measure will confer great general advantages, and I shall cordially support it.

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SIR FRANCIS BURDETT.—Being one of those (inland) Members to whom the Honourable and Learned Attorney General alluded, I beg permission to say a few words. I cannot imagine why Honourable Members should wish to guard themselves against a feeling so natural as that

of being particularly interested for their own constituents. On the contrary, this appears to me one of the strongest motives that can actuate a true representative, in cases where his constituents are immediately and particularly concerned. That was the doctrine I always followed when I was Member for Westminster. With respect to the question now before the House, I must say it is a subject that demands deep and mature consideration. It is a pleasant mode of proceeding, to lay down abstract doctrines which have no application to the circumstances of the case; and to cry out, as some Honourable Members have done, "Oh! do not let us support a monopoly,—let us have free trade;"—but, in this instance, where the fate of property to the amount of 5,000,000*l.* is involved, it would appear to be policy to let matters continue as they are; or, at all events, not to alter them without due notice, and the fullest consideration. Now, the simple fact of a Bill, affecting such great interests, being brought forward at this period of the Session, is, to my mind, conclusive on the point, that due attention cannot be given to the subject. The measure ought to be sent to a committee up-stairs; and it appears to me that the House is legislating in a very hasty manner, and without due regard to the interests of the public.

Mr. HUTT.—All parties must agree that this is a subject which involves very large property, and the ruin or welfare of a great number of individuals. It ought, therefore, to be approached with caution and consideration. I hope the Right Honourable Gentleman the President of the Board of Trade will consent to withdraw the Bill for the present Session——

[Cries of "No, no!"]

—and that it will be introduced at an early part of the next Session, and then referred to a committee up-stairs, where there will be a full opportunity of considering all the circumstances of the case.

Mr. WARBURTON.—The necessity for legislating on this subject arises from the present high warehousing duties. By removing those duties, the seaports would enjoy a large share of the trade,—as, from their situation, they are entitled to do; whilst the inland towns would derive from the change the benefits to which they are fairly entitled. I think nothing can be more unfounded than the outcry which is raised against this Bill by the seaport towns. It appears to me that the House is bound to see that the inland towns receive some compensation for the loss which they suffer from being shut out by the high duties from a participation in the general trade and warehousing of the country.

Mr. HODGSON HINDE.—I must impress upon the Right Honourable Gentleman my strong feeling that a measure of this kind ought not to be brought forward without due investigation. There is one point connected with this Bill on which I wish to make a remark. I allude to the discretionary power, vested in the Government, of giving this privilege to one town in preference to another; and I certainly do feel considerable jealousy of that power. It will be in the recollection of the House, that Government exercised a similar discretion in the case of licensing warehouses; and if a committee were granted, I should be prepared to prove that that discretion was exercised with great unfairness. I am of opinion that certain fixed and stringent rules ought to be laid down as to the condition on which warehouses are to be granted.

Mr. PRYME.—The ground on which this measure is proposed seems to me to be, that it will benefit a certain class of the community. The consideration, then, would appear to follow, whether it will benefit one class more than it will injure another? and whether, in extending the privilege to inland towns, we do not inflict an injury on the capital we have induced persons to invest in bonding warehouses at the ports? It should be remembered, that you have not, in inland towns, the same means of protection that you have in seaports,—because, in the latter, there are bodies of Custom-house officers accustomed to the detection of frauds upon the revenue.

Mr. BAINES.—It has been found, at Liverpool and Hull, that the bonding system has been attended with considerable advantage. The question, therefore, is,—will you extend that advantage over the country? It has been alleged that, in Liverpool, 4,000,000*l.* are invested in warehouses. That may be true; but I would ask, how much of that capital is invested in bonding warehouses? If you inquire, you will find that it is not a tithe of the sum named. An objection has been strongly urged on the opposite side, that we have not time to legislate upon the subject: but it should be recollected that this question has been before the House, now, for four successive years; and, during that time, there has been ample opportunity for making every necessary

inquiry, and coming to a decision on the subject. I think, therefore, — considering that the only objections urged against the Bill are, first, the consideration of time, and, secondly, the defence of monopoly,— that the House will see the propriety of extending the benefits of bonding all over the country. The system will confer essential advantage, without depriving the seaports of what may be considered their fair privilege.

Mr. DARBY.—The Custom-house may throw objections in the way of this measure; and, when the Bill is passed, it may be found very difficult to carry it out into operation.

Mr. HINDLEY. — When you talk of vested interests, you should remember that the inland and manufacturing districts have their vested interests, as well as seaport towns; and it is a great advantage to them to have their commodities brought at the least possible expense.

SIR EDWARD KNATCHBULL. — I must complain of the conduct of the Government, in introducing a Bill of this kind at such a period of the Session. I protest against it, as unfair to the parties interested, and unfair to the country. I will go further, and say that it is discreditable to the Government; and I know that the country will join with me in that opinion. I must say, that I am disposed to view with considerable caution any Bill of this kind proceeding from the Right Honourable Gentleman opposite, the President of the Board of Trade; and I have a right to do so, after the way in which the question of the Fruit Trade was treated. I do not wish to revive that discussion, except so far as it affords just ground to be apprehensive of any Bill the Right Honourable Gentleman may introduce. Before I can consent to a measure like this, I must hear some better reasons than any which have yet been advanced in its favour. I certainly did, at the first blush of the question, see some reason to support this Bill; but I have, since, heard enough to make me hesitate in forming an opinion.

Mr. C. P. THOMSON. — The Right Honourable Gentleman has thought proper to introduce a subject totally alien to the question before the House,—a question, the consideration of which, I should have thought, was divested of all party views. I can assure him, that whatever experience he may have had, during his brief tenure of office, of the partiality of a Government in framing measures of this kind, such has not been the principle we have gone upon, in the present instance. I can safely defy the Right Honourable Gentleman to bring forward a single case in which the Treasury or the Government have shown the slightest partiality in exercising the discretionary power vested in them under the Customs Bill. I am constantly in the habit of having cases from the Treasury and the Customs referred to me, and to the board over which I have the honour to preside; and I appeal to Honourable Gentlemen on both sides,—but more particularly to Honourable Gentlemen opposite,— whether they have ever discovered any such partiality? and whether they have not found the power I have alluded to, exercised with advantage to their constituents? Sir, I must protest against the intrusion of party topics and party spirit into questions purely affecting the trade and commerce of the country. But what is the main argument of the Right Honourable Gentleman? That the Bill is introduced too late. Now, the Bill was introduced four years ago; and I gave notice, at the beginning of this Session, that I should bring it forward ——

SIR EDWARD KNATCHBULL. — Not this Bill.

Mr. C. P. THOMSON. — I beg the Right Honourable Gentleman's pardon; it was the same Bill, *totidem verbis*, with one single exception. I say, then, I gave notice at the beginning of the Session, — but the other business of the House absolutely precluded me from bringing it forward before; and now the Right Honourable Gentleman tells us we have brought in the Bill unawares — that we have taken the House by surprise — and that we ought to withdraw it till another Session. Something has been said about the Board of Customs. Now, I mean to contend that, when a Bill is introduced into this House on the responsibility of Government, it is not for that Government to go to the Board of Customs, and ask their opinion upon it. We may, indeed, take the opinion of that board on practical points; but further, it is scarcely probable that subordinate officers should be consulted.

An HONOURABLE MEMBER. — I have had opportunities of forming a judgment upon this point; and, having listened attentively to all that has passed, I think that sufficient reasons have been shown for the passing of this Bill. I consider it to be a measure calculated greatly to facilitate

commercial transactions, and I shall vote for going into committee.

Question put, "That the words proposed to be left out stand part of the question."

The House then divided: — Ayes 102; Noes 39; — Majority 63.

AYES.

Adam, Admiral	Maule, Hon. Fox
Aglionby, H. A.	Morpeth, Lord Visct.
Attwood, T.	Morris, D.
Baines, E.	Muskett, G. A.
Baring, F. T.	Nagle, Sir R.
Barnard, E. G.	Norreys, Sir D. J.
Bernal, R.	O'Connell, M. J.
Bridgeman, H.	O'Ferrall, R. M.
Brocklehurst, J.	Packe, C. W.
Brodie, W. B.	Palmer, C. F.
Brotherton, J.	Parker, R. T.
Brownrigg, S.	Parnell, Rt. Hon. Sir H.
Bryan, G.	
Buller, C.	Pendarves, E. W. W.
Callaghan, D.	Philips, M.
Cayley, E. S.	Pigot, D. R.
Codrington, Admiral	Pinney, W.
Craig, W. G.	Price, Sir R.
Dalmeny, Lord	Protheroe, E.
Dennistoun, J.	Rice, E. R.
D'Eyncourt, Rt. Hon. C. T.	Rutherfurd, Rt. Hn. A.
	Salwey, Colonel
Donkin, Sir R. S.	Scholefield, J.
Egerton, W. T.	Seymour, Lord
Elliot, Hon. J. E.	Smith, B.
Ellis, W.	Smith, R. V.
Evans, W.	Somerville, Sir W. M.
Ewart, W.	Steuart, R.
Fenton, J.	Stewart, James
Finch, F.	Strutt, E.
Fleetwood, Sir P. H.	Talbot, C. R. M.
Gisborne, T.	Teignmouth, Lord
Greenaway, C.	Thomson, Rt. Hn. C. P.
Grey, Rt. Hon. Sir C.	Thornely, T.
Grey, Rt. Hon. Sir G.	Troubridge, Sir E. T.
Grimsditch, T.	Turner, E.
Harcourt, G. G.	Turner, W.
Hawkins, J. H.	Vigors, N. A.
Hector, C. J.	Villiers, Hon. C. P.
Hill, Lord A. M. C.	Walker, R.
Hindley, C.	Warburton, H.
Hodges, T. L.	Ward, H. G.
Hoskins, K.	Williams, W.
Howard, P. H.	Williams, W. A.
Howick, Lord Visct.	Wilmot, Sir J. E.
Hume, J.	Wodehouse, E.
Hutton, R.	Wood, C.
Jervis, S.	Wood, G. W.
Langdale, Hon. C.	Worsley, Lord
Lascelles, Hon. W. S.	Yates, J. A.
Loch, J.	
Lowther, J. H.	*Tellers.*
Lygon, Hon. General	Parker, J.
Macleod, R.	Stanley, Hon. E. J.

NOES.

Acland, Sir T. D.	Bowes, J.
Attwood, W.	Broadley, H.
Berkeley, Hon. H.	Bruges, W. H. L.
Blackstone, W. S.	Buller, Sir J. Y.
Blennerhassett, A.	Burdett, Sir F.
Canning, Rt. Hon. Sir S.	Lockhart, A. M.
Chapman, A.	Ossulston, Lord
Colquhoun, J. C.	Palmer, G.
Darby, G.	Plumptre, J. P.
Ellis, J.	Praed, W. T.
Fergusson, Sir R. A.	Pryme, G.
Hawkes, T.	Richards, R.
Henniker, Lord	Rumbold, C. E.
Hodgson, R.	Seale, Sir J. H.
Hope, H. T.	Sheppard, T.
Hult, W.	Trench, Sir F.
Irton, S.	Wilshere, W.
James, Sir W. C.	Wood, Colonel T.
Kemble, H.	*Tellers.*
Knatchbull, Rt. Hon. Sir E.	Hinde, H.
	Sandon, Lord Visct.
Liddell, Hon. H. T.	

Main question put, and agreed to; the House resolved itself into a committee; Bill considered in committee; House resumed; Bill to be reported on Monday next.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

On the motion of LORD JOHN RUSSELL, the Bill was read a third time.

On the question, "That the Bill do pass,"—

Mr. AGLIONBY said:—This is the proper opportunity for me to bring up the clause of which I have given notice, and which I trust the House will now permit me to offer to their consideration. Honourable Members are aware that, since 1835, various canonries, prebends, and dignities have been suspended, and are vacant. Consequently, certain lessees of church property, during these vacancies, are incapable of obtaining the insertion of a new life on the renewal of their leases; which would not have been the case but for such suspension of these dignities. Now, as this Bill is to continue these suspensions for another year, the object of the clause I am submitting to the House is, to place the lessees of church property in the same position as they would be, were the vacancies in question filled up. A considerable number of individuals are suffering hardship from the want of some such proviso as this; and it is for their protection that I introduce this clause. At the same time, I beg to assure the House that I have no personal interest whatever in this question; nor do I know any person within my own immediate circle of friends, who has. My only object is, to prevent the occurrence of individual cases of injustice. The Honourable Member for Chichester mentioned, the other night, a case of hardship which occurred in the

person of a widow lady, whose chief dependence was an ecclesiastical lease; and I am sure the Legislature never contemplated that lessees should suffer in that manner. Now, as my object is only that which I have stated, and as I have no wish to prejudge the question, and have carefully guarded against giving to the lessees any new powers, I trust the House will receive my clause. I hope there will not be any opposition; but, if so, I shall feel it my duty to take the sense of the House upon it. I beg leave, now, to move that the clause be read a first time.

The clause was then read a first time, as follows: — "And whereas certain lessees of property belonging to such canonries, prebends, or dignities as aforesaid being now vacant, or which may become vacant, and must so remain during the continuance of this Act, have been and may be deprived, by the provisions of the said recited Acts, and of this Act, of the means of obtaining the insertion of a life or lives on the renewal of their leases, which they might have had the means of obtaining if the appointments to such canonries, prebends, and dignities had not been, or were not to be, suspended by the said recited Acts, and by this Act; and whereas it is reasonable in such cases, during such suspension, to provide for the continuance of such leases, and to place such lessees, as nearly as is practicable, in the same situation as they would be in if such appointments had not been, or were not to be, suspended as aforesaid; be it enacted, That the Ecclesiastical Commissioners for England shall, upon the application of the lessee of any messuages, lands, tithes, or other hereditaments, being the separate property of, or belonging to, any such vacant canon, prebend, or dignity, if, in the case of lease for lives, one or more of the persons for whose lives the same was held on . . . ( ) . . . , be dead, or, if in the case of a lease for years, the period shall have elapsed at which it would have been lawful for the holder of such canon, prebend, or dignity, if the same had not been vacant, to insert a life or lives, or renew such lease, to insert a life or lives, or grant a renewal of such lease in like manner, and on the payment of fines to be calculated on the same principle, and subject to the same terms and conditions, as have been heretofore used in each instance, on the insertion of a life or lives, or on the renewal of such leases, as the case may be: Provided always, that nothing in this Act contained shall be construed to give any other powers to the lessees, during such suspension, except such as are hereinbefore provided."

On the question, "That it be read a second time,"—

LORD JOHN RUSSELL said: — I do not purpose to object to this clause, — seeing that, on a former occasion, there was a general opinion expressed from both sides of the House, that some clause of this kind ought to be introduced. At the same time, I beg to say that my own opinion is entirely against this clause, which I think gives greater power to the lessees than ought to be granted. It must be admitted, that neither by this clause, nor by that which I proposed, can you prejudge or preclude the question with respect to church leases; yet I certainly do think that the clause before us, while it does not settle that point, gives greater advantages to the lessees than they ought to have. The Honourable Gentleman's clause, indeed, professes, in the preamble, to leave the lessees in the same position as if the appointments had not been suspended; but it is obvious, were it not for this clause, the successor would have the power of refusing to renew a lease. Suppose a life dropped, — the prebend would have had the power of refusing to renew; but the Honourable Gentleman's clause gives no such option, but imports that the person in whom the power is vested shall be bound to renew. However, it was thought by the House, that there should be such a clause; and the Right Honourable Baronet the Member for Pembroke, whom I do not now see in his place, spoke strongly in favour of the principle. Such being the case, I feel bound to assent.

Mr. ESTCOURT. — I cannot see any objection to this clause. It should be recollected, that, from 1835 up to this period, the lessees have run considerable risk; and they are by no means in so favourable a situation as may be imagined. Upon the whole, I am not sorry that the Noble Lord agrees to the clause.

Mr. GOULBURN. — I was not present at the former discussion; and I take this opportunity of saying that I am inclined to take the same view of this question as that taken by the Noble Lord; for I think this an inexpedient clause.

SIR T. ACLAND. — The question appears to me to be this, — what difference does this Bill make with respect to the

parties alluded to by the clause of the Honourable Gentleman? It exposes them to whatever hardships may arise from the suspension of these offices for another year. Would it not be sufficient to say that you will relieve the lessees from whatever inconveniences they may suffer during the continuance of this Bill; and if a life should fall in between this and the time when the Bill will expire, it will be just and necessary to provide a remedy in consequence of the additional inconvenience you put them to? Further than this, it seems to me, we ought not to go; and I propose that the clause shall only extend to the lives now existing, but shall not include the year 1835.

Mr. HAWES. — Without expressing any opinion at all on the general question, I am disposed to concur with the view taken by the Noble Lord.

Mr. LIDDELL. — If I understand the clause rightly, it proposes to place these lessees in the same situation as they would be in, were successors to the vacant offices appointed. If that be the case, and as I must say these lessees are placed in a very embarrassing situation in many instances, the clause is just and necessary. And here I may observe, that much inconvenience has arisen from the delay that has intervened with regard to the Ecclesiastical Duties and Revenues Bill. I was a member of a committee out of doors, that sat upon this subject; and many instances came before us, showing the extreme inconvenience to which parties were subjected by the agitation of the question. I have also received so many communications upon the subject from lessees in the county I have the honour to represent, that I am confident that the clause proposed by the Honourable Member for Cockermouth is called for and required, and I am glad the Noble Lord does not intend to oppose it.

The clause was then read a second time.

On the motion of Mr. AGLIONBY, the House resolved itself into a committee on the clause; and on the question that the blank be filled up with the words "fourth day of February, 1835," being put, —

SIR T. ACLAND said: —I am willing to remedy any grievances or inconveniences that may arise under this Bill itself, and during its operation; but I do dot see the necessity for going further; and I beg leave, therefore, to move, by way of amendment, that instead of the words "fourth day of February, 1835," the blank be filled up with the words "first day of January, 1839."

Mr. AGLIONBY. — I do not see that it is prejudging the question to take the preceding date I propose, any more than the year 1839. It seems to me that the Honourable Baronet, by his amendment, would do justice only by halves. If I thought that taking the preceding year would, in the slightest degree, prejudge the question as to principle, I would willingly strike it out. I trust, however, that the Honourable Baronet will not press his amendment.

Mr. GOULBURN. — If the principle be adopted at all, it ought to have been adopted *ab initio*. It is impossible, on the instant, to say to what species of property this extension of the period may refer. It should be remembered, that we are not now considering the interests of the canons and prebends, but the interests of the fund that is to be applied to purposes of religious education in this country, — a fund by which I hope to supply some part of that deficiency which exists as to religious instruction. Now, I think that the lessees have no right whatever to be put in a better situation; but this clause has that effect, — for it compels the renewal of a lease, leaving no option to the lessor. I think, also, that you will aggravate the evil, if you pass the clause without the amendment of my Honourable Friend.

SIR T. ACLAND. — When you pass a Bill which is to be only temporary, you have no right to legislate on the general principle; but you ought to confine yourself to the redress of so much inconvenience as may be produced in the particular case.

LORD J. RUSSELL. — We should, also, look at the case thus: — There are some of these prebends to which successors might be appointed; and whenever one of these should be so appointed, he might or might not, according to his option, grant a renewal of a lease. This option we do not propose to destroy: but suppose that a successor were not appointed, there would be no means of renewing the lease; therefore this Bill gives him that advantage. I shall support the amendment of the Honourable Baronet.

The committee then divided on the question, "That the blank be filled up with the words, 'fourth day of February,

1835." — Ayes 33; Noes 38; — Majority 5.

AYES.

Attwood, T.	Hume, J.
Bernal, R.	Hutton, R.
Briscoe, J. I.	Jervis, S.
Brocklehurst, J.	Liddell, Hon. H. T.
Brotherton, J.	Macleod, R.
Ellis, W.	Rice, E. R.
Evans, W.	Salwey, Colonel
Ewart, W.	Scholefield, J.
Fielden, J.	Smith, B.
Fenton, J.	Vigors, N. A.
Finch, F.	Walker, R.
Gisborne, T.	Warburton, H.
Graham, Rt. Hon. Sir J.	Williams, W.
	Wood, C.
Hawes, B.	Yates, J. A.
Heathcoat, J.	
Hector, C. J.	*Tellers.*
Hoskins, K.	Aglionby, H. A.
Howard, P. H.	Wood, G. W.

NOES.

Attwood, W.	Lushington, Rt. Hon. S.
Baring, F. T.	Monypenny, T. G.
Barnard, E. G.	Morris, D.
Buck, L. W.	Muskett, G. A.
Cole, Lord Visct.	Palmer, C. F.
Dalmeny, Lord	Parnell, Rt. Hon. Sir H.
D'Eyncourt, Rt. Hon. C. T.	Pendarves, E. W. W.
Estcourt, T. (Oxf. U.)	Pigot, D. R.
Fleetwood, Sir P. H.	Praed, W. T.
Goulburn, Rt. Hn. H.	Price, Sir R.
Grey, Rt. Hon. Sir G.	Protheroe, E.
Grimsditch, T.	Russell, Lord J.
Harcourt, G. G.	Seale, Sir J. H.
Hawkes, T.	Stanley, Hon. E. J.
Hobhouse, Rt. Hon. Sir J.	Stock, Dr.
Hodges, T. L.	Williams, W. A.
Howick, Lord Visct.	Wood, Colonel T.
Irton, S.	
Kemble, H.	*Tellers.*
Labouchere, Rt. Hn. H.	Acland, Sir T. D.
Law, Hon. C. E.	Troubridge, Sir E. T.

On the question, "That the blank be filled up with the words 'first day of January, 1839,'" —

Mr. HUME said: — I think a gross injustice will be committed, if we allow the clause to remain as amended by the Honourable Baronet. You have sacrificed the rights of these persons during three years; and if it was proper to confer this privilege, or rather right, upon them, during the one year of suspension, it must be proper to give it them during the other years. I shall therefore propose, in another stage, that ——

The CHAIRMAN. — There is no other stage.

Mr. HUME. — Then, I shall now move to fill up the blank with the words "first day of January, 1836." That will, at least, tend to lessen the evil.

Mr. AGLIONBY. — I shall, of course, support the amendment of my Honourable Friend the Member for Kilkenny; and in so doing, I beg leave to observe, that I think I have a right to complain of the Noble Lord's conduct in siding with the Honourable Baronet opposite, after having admitted the clause in the first instance. I assure those Honourable Gentlemen who came in and voted without hearing the discussion, that they have done a manifest injustice. Is there anything, I would ask, so absurd on the face of this clause, as to require the amendment which the Honourable Baronet has just carried by a majority of 5? What are the words? "Obtaining the insertion of a life or lives on the renewal of their leases, which *they might have had the means of obtaining* if the appointments to such canonries, prebends, and dignities had not been, or were not to be, suspended *by the said recited Acts* and by this Act." What is the meaning of these words? They were inserted expressly for the purpose of carrying out that measure of justice, of which you have admitted the principle, for the year to come. If you adopt the Honourable Baronet's amendment, you must, in consistency, alter these words. I am sure, the Honourable Baronet, on reflection, will see that thus to admit the principle, and yet to grant only one fifth part of justice, is a mockery, and, in fact, making the clause absurd in itself. You admit the principle; and then, when you come to the words which are to carry it out, you expunge them. I trust my Honourable Friend the Member for Kilkenny will carry his amendment by a much larger majority than that which decided the last division.

SIR T. ACLAND. — I repeat, that what I contend for is this: — You have no right to take an opportunity, on an occasion like this, — of bringing in a Bill for the continuance for another year of a former Act, — to decide on the general principle. Now, I mean to express no opinion whatever on the general principle; but when I am told that certain inconvenience is occasioned by the existing legislation on this subject, I say, I am prepared to remedy so much inconvenience as arises actually and virtually, to-day, from this legislation; — but I will not revert to four years back. The Honourable Member for Cockermouth accuses me of inconsistency in admitting the principle, and yet doing only one fifth of justice; but were I to adopt

the amendment of the Honourable Member for Kilkenny, I should be inconsistent too, in that view of the case, — for the Honourable Member only proposes to do three fourths of justice.

Mr. HUME. — I admit the inconsistency of not carrying out the full principle; and I hope, therefore, to be allowed to make an alteration in my amendment, which I now propose to stand thus; — to fill up the blank with the words "first day of March, 1835." Having made this alteration, I trust I shall have the Honourable Baronet's vote.

LORD J. RUSSELL. — The question is, whether we shall give any advantage to these lessees? Now, with respect to the former years, Acts of Parliament have passed without containing any clause to that effect. It is, at present, proposed by the Honourable Gentleman that we should go back upon all those Acts, and give the lessees advantages which the former Acts did not give. I think that that is asking too much; though I am willing to give them advantages while this Suspension Act operates, and even for a few months beyond that time. What is now proposed, would operate exclusively in favour of the lessees, and entirely to the disadvantage of the church. As I said before, I think the whole clause is wrong, although I reluctantly admitted it; but now, if the Honourable Gentleman persist in going back to 1835, I shall feel myself at liberty to vote against the whole clause.

Mr. HUME. — What I want is, justice to both parties — the lessees and the church. Does the Noble Lord, when he says he would not mind giving a retrospective power for a few months, mean to say that that is an approach towards justice? If so, why not go further back, and act with entire justice?

Mr. LIDDELL. — The question is still unsettled. I must say, I think the retrospect is but an act of common justice to the lessees. I take this opportunity of declaring that I have no personal interest in the question.

SIR JAMES GRAHAM. — I, also, beg to say that I have no personal interest in the matter; but I must own, that, on a former occasion, I did regard this as a question of equity. I felt the force of the arguments of the Honourable Member for Cockermouth; and I thought the clause here proposed, but a measure of justice due to the lessees. It is impossible for any individual in this House to be more anxious than I am to protect the property of the church; but I really am of opinion, that, so far from asking, by this clause, any undue advantage for these lessees, the course of legislation for the last four years has been such as to place them in an unfair position. The almost invariable practice has been to grant a renewal; and there is scarcely one case in a thousand where it has been refused. The object of this clause is to place the lessees in the same position, during the time this question is under consideration, as they would have been if the dignities had been filled up. I can conceive nothing more just. I supported the original clause of the Honourable Member for Cockermouth, thinking that its provision was just; and as the amendment now proposed will restore the clause nearly to its original state, I shall vote with the Honourable Member for Kilkenny.

The committee then divided on the question, "That the blank be filled with the words 'first day of January, 1839:'" — Ayes, 37; Noes 40; — Majority 3.

AYES.

Attwood, W.	Labouchere, Rt. Hon. H.
Baring, F. T.	Law, Hon. C. E.
Baring, H. B.	Lushington, Rt. Hn. S.
Barnard, E. G.	Monypenny, T. G.
Buck, L. W.	Norreys, Sir D. J.
Cole, Lord Viscount	Palmer, C. F.
Darby, G.	Parnell, Rt. Hon. Sir H.
Dick, Q.	Pendarves, E. W. W.
Estcourt, T. (Oxf. U.)	Plumptre, J. P.
Fleetwood, Sir P. H.	Praed, W. T.
Gordon, R.	Rolfe, Sir R. M.
Goulburn, Rt. Hon. H.	Russell, Lord J.
Grey, Rt. Hon. Sir G.	Seale, Sir J. H.
Harcourt, G. G.	Stock, Dr.
Hawkes, T.	Troubridge, Sir E. T.
Hobhouse, Rt. Hon. Sir J.	Wood, Colonel T.
Hodges, T. L.	*Tellers.*
Hope, Hon. C.	Acland, Sir T. D.
Howick, Lord Visct.	Dalmeny, Lord
Irton, S.	
Kemble, H.	

NOES.

Attwood, T.	Gisborne, T.
Baines, E.	Graham, Rt. Hn. Sir J.
Briscoe, J. I.	Hawes, B.
Brocklehurst, J.	Heathcoat, J.
Brotherton, J.	Hector, C. J.
Duncombe, T.	Hoskins, K.
Ellis, W.	Howard, P. H.
Evans, G.	Hutton, R.
Evans, W.	Jervis, S.
Ewart, W.	Liddell, Hon. H. T.
Fielden, J.	Lushington, C.
Fenton, J.	Macleod, R.
Finch, F.	Muskett, G. A.

O'Brien, W. S.	Williams, W.
Pechell, Captain	Williams, W. A.
Rice, E. R.	Wood, C.
Salwey, Colonel	Wood, G. W.
Scholefield, J.	Yates, J. A.
Smith, B.	
Vigors, N. A.	*Tellers.*
Walker, R.	Aglionby, H. A.
Warburton, H.	Hume, J.

The blank was then filled with the words "fifth day of January, 1835;" proviso amended; the House resumed; clause reported; amendments agreed to.

On the motion of Mr. AGLIONBY, the clause was read a third time.

Mr. AGLIONBY. — I beg leave to move that the clause be added to the Bill by way of rider.

On the question being put, —

LORD JOHN RUSSELL said: — I must, now, oppose the addition of this clause to the Bill. I objected to the clause originally, but I agreed to it with the amendment proposed by the Honourable Baronet; I am not, now, however, prepared to go back to 1835; and I feel myself justified in dividing against the clause.

Mr. WARBURTON. — I cannot understand how the Noble Lord can oppose the clause, after having so far adopted it as to vote with the Honourable Baronet for filling up the blank with the words "1st of January, 1839," — thus, in fact, recognising the principle of the clause. What possible difference can the fact of the clause going back to an earlier period make as to its principle?

Mr. LIDDELL. — I confess I am astonished at the conduct of the Noble Lord; and I cannot see any reason why he should object to the clause being retrospective. Formerly, persons holding under church leases were as sure of a renewal, according to immemorial custom, as tenants of any other description. So great a delay has taken place in the settlement of this question, that the most serious inconvenience has been the result in many cases.

Mr. AGLIONBY. — I must say, in common parlance, that I have been very unfairly treated. I have no personal interest in this matter; and I would put it to the House and the country, how the Noble Lord has acted in this case. On a former occasion, I proposed that this clause should be brought up; and I submitted it to several Honourable Members, — but more particularly to the Honourable Member for Chichester. I had it properly examined, and prepared it ready to bring up on the Report. The Noble Lord left the House on that occasion; and I was told that it had been agreed between the Noble Lord and the Honourable Member for Chichester, that it should be brought up on the third reading. But, notwithstanding that agreement, — notwithstanding that I have acted in conformity with that agreement, — how has that interest which I wished to attend to been protected by the Noble Lord? The Noble Lord came down to the House, and said that he would accede to that clause; and the Honourable Member for Chichester is not now in his place; and several Members, who entertain the same opinions on the matter as he does, are also absent. Have I not a right, then, to conclude that they have been lulled into a belief that there would be no opposition to the clause? And is it not fair for me to assume that other Honourable Members, who are absent, and with whom I have not communicated, have been led to draw the same conclusion? The Honourable Baronet took an objection, of which the Noble Lord, now, takes advantage, — saying, that he will throw out the whole clause. I leave the House and the public to decide whether this is a fair course. I think it would have been much more manful for the Noble Lord to say, at once, that he intended to oppose the clause. I regret that I am compelled to make these remarks; but the course pursued by the Noble Lord leaves me no alternative.

LORD J. RUSSELL. — I must say a very few words on one or two points that have been referred to by the Honourable Member for Cockermouth. First, with respect to the understanding said to have been entered into between myself and the Honourable Member for Chichester. When that Honourable Member spoke to me about moving this clause on the bringing up of the Report, I stated that I thought such a course would be attended with inconvenience, and that it would be better to move it on the third reading; and the Honourable Member for Cockermouth now blames me for acceding to that course. I confess, I do not understand this, — nor do I see that I am so much to blame for acceding to that proposition. When the clause came under discussion, this night, the Honourable Baronet made a proposition, upon which the House divided; and, after the division, a most unusual course was resorted to, in order to reverse the decision of the House; and

I must avow that I consider myself quite as much entitled to take a third division, as the Honourable Member for Kilkenny was in taking a second.

SIR J. GRAHAM. — After what has passed, I must admit — although I have twice voted against the Noble Lord — that the Noble Lord is fully entitled, by the practice of this House, to take the sense of the House against the clause. The course which has been resorted to is certainly an unusual one, but it is one which circumstances justify.

The House then divided on the question, "That the clause be added to the Bill by way of rider:" — Ayes 39; Noes 45; — Majority 6.

AYES.

Briscoe, J. I.	Liddell, Hon. H. T.
Brocklehurst, J.	Lushington, C.
Brotherton, J.	Macleod, R.
Duncombe, T.	Muskett, G. A.
Ellis, W.	O'Brien, W. S.
Evans, G.	Pechell, Captain
Evans, W.	Rice, E. R.
Ewart, W.	Salwey, Colonel
Fielden, J.	Scholefield, J.
Fenton, J.	Smith, B.
Finch, F.	Vigors, N. A.
Gisborne, T.	Walker, R.
Graham, Rt. Hn. Sir J.	Williams, W.
Hawes, B.	Williams, W. A.
Heathcoat, J.	Wood, C.
Hector, C. J.	Wood, G. W.
Hodgson, R.	Yates, J. A.
Hoskins, K.	
Howard, P. H.	*Tellers.*
Hume, J.	Aglionby, H. A.
Hutton, R.	Warburton, H.
Jervis, S.	

NOES.

Acland, Sir T. D.	Lushington, Rt. Hn. S.
Attwood, W.	Maule, Hon. Fox
Baring, F. T.	Monypenny, T. G.
Baring, H. B.	Morpeth, Lord Visct.
Barnard, E. G.	Morris, D.
Buck, L. W.	Packe, C. W.
Buller, Sir J. Y.	Palmer, C. F.
Cole, Lord Viscount	Parnell, Right Hon. Sir H.
Darby, G.	Pendarves, E. W. W.
Dick, Q.	Plumptre, J. P.
Euston, Earl of	Praed, W. T.
Fleetwood, Sir P. H.	Protheroe, E.
Gordon, R.	Pryme, G.
Goulburn, Rt. Hon. H.	Rolfe, Sir R. M.
Grey, Rt. Hon. Sir G.	Russell, Lord John
Harcourt, G. G.	Seale, Sir J. H.
Hobhouse, Right Hon. Sir J.	Stock, Dr.
Hodges, T. L.	Style, Sir C.
Hope, Hon. C.	Troubridge, Sir E. T.
Howick, Lord Viscount	Turner, W.
Irton, S.	Wood, Colonel T.
Kemble, H.	
Labouchere, Rt. Hon. H.	*Tellers.*
Law, Hon. C. E.	Dalmeny, Lord
	Seymour, Lord.

The Bill was then passed.

METROPOLITAN POLICE COURTS BILL.

Mr. FOX MAULE. — I beg leave to move the Order of the Day, that the House resolve itself into a committee on the Metropolitan Police Courts Bill.

On the question, "That the Speaker do leave the chair," being put, —

Mr. LAW said: — I rise, Sir, pursuant to the notice I have given, to move that this Bill be committed this day three months. I very much regret that a question of so much importance, as is involved in the Bill now before the House, should be discussed when there is so thin an attendance of Members. That deficiency in numbers I attribute to the late period of the Session, and to the exhaustion felt by many Honourable Gentlemen after protracted and wearisome attention to the business of the House, and not to any indifference to this vital question. But a question of greater importance could scarcely be submitted to the consideration of Parliament; and, therefore, I shall be compelled to trouble the House with some lengthened remarks upon it. My objections to the Bill now before the House, apply both to the principles and to many of the details which are to be found in its numerous clauses. If I gain no other advantage from offering my determined opposition to the Bill, I shall, at least, probably, draw from the opposite side of the House, and from those who are the authors of the measure, a declaration of the modifications which they may be disposed to make. And, first, I find that, by this Bill, an enormous amount of patronage is to be vested in the hands of the Secretary of State for the Home Department; to whose powers, in this respect, I must confess that I look with no inconsiderable degree of jealousy. Not that I have any jealousy of the manner in which the Noble Lord, personally, would discharge that power. This jealousy does not, in the least, affect the person of the Noble Lord; but it produces a repugnance in my mind against granting such extensive, unlimited power in the person of an official political functionary, holding his office on such an uncertain tenure as the prevalence of political feeling for the time being. I have the highest respect, apart from political considerations, for the Noble Lord who presides with so much ability, in the legal department of his office, over the interests of the people; and if I could suppose that the

Noble Lord would have an opportunity of investigating the merits of every person offering himself for appointments under this Bill, and under his jurisdiction, I might feel less disposed to press my opposition on that head; because, although I differ, as I most essentially do, on nearly every political question, from the Noble Lord, I am bound to acknowledge both the capacity and ability he has displayed in the legal department of his office. My objection, then, is, to the constitution of a power to be administered, in fact, by the Secretary of State, — and not to the personal administration of patronage by the Noble Lord. There are no less than twenty-seven magistrates to be placed at the disposal of the Noble Lord's power, — he being at liberty to remove magistrates at pleasure; to grant to those removed two thirds of the salary which they at present enjoy; and to increase the existing emoluments of magistrates from the sum of 800*l.* a-year to 1200*l.* a-year, — the salary of the chief magistrate to be 1400*l.* a-year. I am not one to wish that important duties should be discharged without a competent remuneration; and I am certain that, if such duties were intrusted to members of the profession to which I have the honour to belong, they would be fully entitled — if it were safe and proper to confine such jurisdiction to their hands — to the emoluments proposed in this measure. But still my objection remains untouched, as to the investing of any gentleman with the powers proposed by this Bill, without a certificate from the judges of Westminster Hall, so that some security might be had that he should not be a person whose creation might be deemed matter of political favour, and who would be looked upon, therefore, as inadequate to exercise the great and important — not to say unconstitutional — powers proposed to be conferred.

There is also in this Bill, what I am perfectly aware already exists in a modified shape, — a power, on the part of the Secretary of State, to remove, at pleasure, the gentlemen occupying the situations of justices of the peace in the public offices. I cannot impute to the Noble Lord, that he has taken upon himself, without any legal advice, to fill up such offices. I cannot believe that the Noble Lord did not, or would not, deem it proper to consult the Attorney General, or other fit adviser, before he would act in discharge of such a delicate and important branch of his extensive patronage. My objections extend, specially, to the power intended to be conferred on these functionaries. I believe that, if this House, although it is supposed to be so much improved since the passing of the Reform Bill, were constituted as it was before that event, — notwithstanding it was then so much vituperated as not representing the feelings or guarding the rights of the people, — such a Bill would have been resented and resisted as a most arbitrary measure directed against personal liberty. I account for the present difference of feeling in the House by this circumstance, — that her Majesty's Ministers, and they who, with them, advocated the Reform Bill, are now anxious to place at the disposal of those who were in a merely subordinate station formerly, such powers as will make them, in future, subservient to their own political purposes. But when great political and civil powers, and public and personal liberty, have been concerned, — when the spirit of our ancient constitution, and the trial by jury, — that great bulwark of purity of justice, — have been concerned, — they who promoted the Reform Bill have not been found wanting to abridge personal freedom, and to replace at the disposal of arbitrary functionaries the rights and liberties of the people. A more arbitrary measure than the present could not have emanated from the most despotic power or absolute Government that has ever yet existed. I am certain that the administration of justice will henceforth assume a new character, and present a new feature to the public, because those convicted of larceny and felony will not be subjected to all the consequences that have hitherto followed such offences. But when I find that the Government are prepared, by a side blow, to demolish the greatest security of the subject, — trial by jury, — I am not disposed to give them credit for the manner of effecting a mitigation of the criminal code; because it would seem that, by a plea of administering justice with a greater mixture of mercy, they aim — and aim successfully — a deadly blow at the constitution of this country, by depriving men of the privilege of being tried by the judgment of their peers. And I am not at all disposed to concede to any Government, from whom such a measure might emanate, any real and sincere disposition to mitigate the criminal code of this country, when it is to be effected at the price of public liberty, and by the sacrifice of one of the most ancient of British rights and privileges. I find, by this Bill, that the discretion of summary jurisdiction is infinitely extended; and that, instead of being exercised as at present, in cases where parties

approach the commission of a felony, it is by this Bill intrusted to magistrates, who are to hold their offices during the pleasure of the Secretary of State, to convict any man of felony without the intervention of a petty jury; and — because the blow is not heavy enough when dealt at an individual in that shape — power is further given to the magistrate, on the commitment of a party, to frame an indictment, — and thus to put him, whose case he has heard, upon immediate trial, without the intervention of a grand jury. The effect, then, and leading principles of the measure, are, that a man may, on the judgment of the magistrate, be convicted of larceny or felony, not being of an important character, without the intervention of a jury of his country; while, on the other hand, if the magistrate, having dealt with the circumstances of the case, deem it of sufficient importance to be submitted to another and a superior tribunal, he can at once, and of his own authority, frame an indictment, and put the party whose case he has adjudged upon his trial, also without the intervention — as I have already said — of a grand jury. I conceive this to be one of the most fatal and deadly blows ever aimed at the liberties of the subject by any Government in this kingdom.

[Cries of "Hear, hear!"]

I am not to be deterred from these observations by the cheers of the Honourable Member for Lambeth, because I believe that those who have been loudest in their declamations in favour of political freedom and personal liberty, now disregard both, to an extent never exhibited on this side of the House. I believe that the Honourable Member for Lambeth may carry to his constituents whatever professions of the love of personal liberty he pleases; but understanding men — men capable of forming a judgment — will tell the Honourable Member that his professions are one thing — his acts another; that, to him grinding tyranny is acceptable; and that, whatever — to his constituents — he may state to the contrary, they will not be disposed to believe him.

[Cries of "Hear, hear!" and, "Oh, oh!" from the Ministerial benches.]

From those cheers, especially those of the Right Honourable Baronet the President of the Board of Control (Sir J. Hobhouse), I apprehend not so much that the Right Honourable Baronet dissents from my statement, as that he is not, himself, particularly well satisfied that they who, in their earlier years, have professed to be the best friends of liberty, do not, as they advance in life, and obtain possession of office, become the least regardful of it.

[Cries of "Hear, hear!" from the Opposition benches.]

I do not apprehend that such propositions as those contained in this Bill would, at any former period of the history of the country, have been entertained for one hour. I cannot believe that such propositions as the dismissal of trial by jury; the superseding of the functions both of petty and grand juries by a new law to embrace a circuit of ninety miles round the metropolis; could have been entertained for one moment, if the people had not arrived at that state of indifference and despair, which the maladministration of Honourable Gentlemen opposite has eminently contributed to bring about. It would have been sufficient, at any other period, to have stated that the Secretary of State, or his representative in the House, had proposed such a measure as the present, to have powerfully excited the public mind against it. The idea of such a law would have been scouted. But, — now that the people are habituated to disturbances created with political views, — when they are distracted by the means recklessly used to carry political objects into effect, — and when there is such a serious ferment in the country — such general distrust and alarm, both as respects property and personal safety; — the Government hope to take advantage of these circumstances, and to induce the people to have recourse to a measure which, as I have already said, deals a fatal blow against the best rights, interests, and privileges of the subject. On the matter of patronage, I may state, that this Bill creates, in addition to the twenty-seven offices of 1200*l.* per annum each, and one of 1400*l.* as many clerks at 500*l.* per annum, and as many second clerks at 300*l.* All these offices are to be at the disposal of the Government, — and not at the disposal of the Government as a whole, but appended, as it were, to the personal patronage of the Secretary of State for the Home Department. But my objection is taken on much higher ground than that arising from this prospective patronage. The Home Secretary, under the provisions of this Bill, is to have power to remove, not only for cause, but without cause, any magistrate he may think fit, — apportioning to the party so removed some part of his salary,

—and of filling up the vacancy so to be created, by the appointment of some expectant of political or official favour. The Bill proposes that the office of police magistrate shall be filled by gentlemen who have the qualification of a seven years' standing at the bar; and these gentlemen are not only to perform all the functions confided to the judges of Westminster Hall, but are to embody in their persons the powers both of petty and grand juries; and yet their official existence is not to depend on public approbation, but on that of a single Minister of the Crown, who is to be empowered, in the way I have stated, to remove any of them from office, at any time, at his own will and pleasure. Whether her Majesty's Government have been induced to seek this power from having seen the wretched appointments which from time to time they have made, and from feeling the consequences that have arisen from the way in which other magistrates of their selection have conducted themselves, I know not. It may be, they have looked at Birmingham; and, seeing how their friends have acted there, have thought it would not be safe to intrust magistrates acting within a circuit of ninety miles round the metropolis with such important powers as those created by this Bill, unless the Secretary of State for the Home Department were to have such a power, at any moment, to remove them from office. But, Sir, passing by the inconvenience, I say, that if it be fitting (and I trust the House will not think it fitting) to confide to any man the powers specified in this Bill, the party holding the office ought to hold it on the same terms as the judges of the land,—responsible only to public opinion, and not removable at the will of an officer of state. If a magistrate be intrusted with such powers as are here proposed, he ought not to be removable merely because he may be displeasing to the Secretary of State, but only for such dereliction of duty as would render a judge of Westminster Hall removable from his office. But, in addition to the powers proposed to be intrusted to these magistrates in their criminal jurisdiction, it is sought by this Bill to confer on them all the powers held by any civil court, — in other words, it is intended that, in addition to their duties as police magistrates, they shall administer the civil affairs cognizable by any local civil court, and here again to supersede the functions of a petty jury.

[Cries of "No, no!"]

I am speaking *secundum rem subjectam*, and I say that this Bill does confer a power on the magistrate, in addition to that of convicting summarily in cases of larceny and felony,—thereby superseding the intervention of the grand jury and the petty jury,—to administer civil affairs, which are now only cognizable in the civil courts, and thus to supersede the functions of a petty jury in these cases also; and the public are to have no security in the matter, beyond the fact that these functionaries are pleasing to her Majesty's Secretary of State for the Home Department. Another important feature of the Bill is, that all the acts done by two justices under the existing laws, may henceforth be performed by one. Again, by the sixteenth clause, the gentry of the neighbourhood, the unpaid magistracy, are precluded from forming an element in the administration of criminal justice; for that section provides, "that no justice of the peace, not appointed of the said court, shall act as a justice in the said courts, &c.;" and then by a method, the merit of which nobody knows better than her Majesty's Government, to give effect to this arrangement, it is provided that no fees shall be taken by any magistrate's clerk, except at the police court,—knowing that no work will be done when there are no fees. Then, again, in order that all may be of one piece, the Bill contains powers to apprehend without summoning the accused party for any offence. That is in the twenty-third section. There is a curious distinction made with regard to the powers to be exercised by a single magistrate; as in the case of what are called, in this Bill, petty thieves and the receivers of stolen goods, who are to be convicted summarily. What can have induced the party who drew this Bill to mix up petty thieves with the receivers of stolen goods, I am at a loss to comprehend. It has ever been the object of the Legislature to reach and to punish the receivers; and yet, here, they are introduced as parties with whom the magistrates may deal as with petty thieves. But in order that too much disgust may not be created by this measure,—and, bad as its provisions are, some consolation is afforded by this fact,—it is provided, that a summary conviction by so infallible an individual as a single magistrate shall not work a forfeiture, but the magistrate is made an arbitrator between the parties, and may order goods, which he conceives to have been stolen, to be delivered up, and is, thereupon, to give a certificate to indemnify the officer. The forty-first section squares with the twenty-sixth; the one gives the magistrate power to supersede the jurisdiction and office of the grand jury, by sending the party direct to trial,

while the other gives him the power to convict summarily. But, in addition to this, the magistrates are to have powers of a civil kind, entirely novel in their character. A single magistrate is to be intrusted with powers to award compensation for wilful damage by tenants; to deal summarily with cases of excessive distraints; and to order the delivering up of goods which, according to his view, may be unlawfully detained. Now, all these matters — as every man who is conversant with civil law well knows — involve questions which are peculiarly proper to be submitted to the consideration of a jury; and there is no honest man, who has ever administered the duties of a judge on mixed questions of law and fact, but has felt himself relieved by the circumstance that the facts were to be decided by the jury. And of this I am quite sure, — that if, instead of consulting the highly respectable persons, commissioners of police and others, who were examined before the Police Committee, the opinions of the judges of the land had been resorted to on this point, those opinions would have fully justified my position.

Mr. HAWES. — The judges could not be required to come forward.

Mr. LAW. — I know nothing to prevent it. A Lord Chancellor has been examined — certainly, with the leave of the House of Peers — before a committee of this House; and I not aware of anything that would exclude the other lights of the law from giving this information to a body of laymen — men unconnected with the legal profession — who are sitting in comparative darkness and obscurity on the question they have in hand. I am surprised that men, who pretend — and loudly — to be the friends of the liberties of the people, should, without the sanction of the judges of the land, make such an attempt, as is contained in this measure, to interfere with the rights and privileges of the people. By the forty-eighth section, the police magistrates are empowered to apprehend parties, even where no information has been taken in writing. And then the Bill goes on to provide that convictions are not to be quashed for want of form, and shall not be removable by *certiorari;* and again, — although an appeal against conviction is given to the quarter sessions, this is confined to cases where the parties have been ordered to be imprisoned more than a month. Such are the propositions of the friends and advocates of the liberties of the people; and from no other parties, indeed, could they have come. It is not my intention to exhaust the House, by alluding further to these leading propositions. I have felt, in common with the public, that this Bill meditates a very dangerous infringement upon public liberty. I have felt — administering, as I do, a large portion of the criminal law of the country, and thereby being unhappily called on to inflict a great deal of pain — that those unhappy beings, who are often the subjects of my criminal jurisdiction, have a claim on whatever little experience I have had of their sufferings, and of the severity of punishment for example's sake, — in order that those sufferings, and that severity, may not be aggravated unnecessarily; and that these objects of punishment, and their friends, shall have, at least, the consolation of feeling and knowing that they are not subjected to severe punishments — to loss of liberty — and to entire degradation, — without the intervention of that constitutional privilege and protection which hitherto have been deemed by Englishmen essential to their liberties. My experience with regard to the conduct of magistrates sitting at quarter sessions, and elsewhere, has led me to know that, however zealously the duties of police magistrates are discharged, yet, in cases where there is no appeal, the most grievous and intolerable injustice is frequently committed. Feeling this, from an experience partly at the bar, and partly in a judicial capacity, of more than twenty years, I should deem it an injustice to those who have a claim on my humble services, if I did not exert myself, to the utmost of my power, to oppose a measure which I believe to be fraught with pernicious consequences, and to be entirely subversive of the liberty of the subject. Under these circumstances, I shall now conclude by moving, as an amendment to the question that has been put, — "That all the words be left out from the word 'That' to the end of the question, in order to add the words 'this House will, upon this day three months, resolve itself into the said committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the question."

Mr. HAWES. — I could have wished to have had an opportunity of observing more of the judicial character in the speech of the Honourable and Learned Gentleman who has just sat down; for a speech possessing so little of that character, and mixing up so many topics of a party political complexion, I have never heard, on a Bill which cannot, by possi-

bility, partake of the slightest party tinge. The Honourable and Learned Gentleman, — not content with addressing himself to the clauses of the Bill, and with pointing out their "unconstitutional character," as he calls it, — has condescended to honour me with much of his notice, and even to attack me personally.

Mr. LAW. — No!

Mr. HAWES. — The Honourable and Learned Gentleman, surely, said that I proved my inconsistency in professing liberal principles, while I support a Bill of this nature. And he hinted, also, what he thought would be the feeling of my constituents on the subject. I say that my advocacy of this Bill is perfectly consistent with my professions of liberal principles. But the Honourable and Learned Gentleman — not on this occasion only, but on every occasion, when Bills of a liberal character are under discussion — cannot restrain himself from endeavouring to draw off the attention of the House from the real question, in order to give the debate a party character, and to arouse party political feelings. It was but the other day, when a Bill relating to the taking of oaths was before the House, the Honourable and Learned Gentleman pursued the same course.

Mr. LAW. — I rise to order. I submit, Sir, that to allude to what has occurred in a former debate is irregular; the more so, as I shall have no opportunity of replying to the Honourable Member's observations.

Mr. HAWES. — When I am called to order by you, Sir, — habit, as well as inclination, will cause me to bow to your decision; but I cannot suppose my remarks to be irregular, while you permit them to pass. I say, Sir, that the Honourable and Learned Gentleman has sought, on this, as on former occasions, to prejudice the measure under discussion, by mixing it up with party, and even personal, considerations; and if anything could prove to me that judges ought to be excluded altogether from the debates of a popular assembly, it would be the speech which we have just heard from that Honourable and Learned Gentleman. The Honourable and Learned Gentleman has said that this Bill grossly infringes upon the liberty of the subject, in abolishing trial by jury in certain cases. Now, who were the members of the committee on whose Report this measure has been founded? And here I would appeal to those Honourable Gentlemen opposite, who shared with me in the labours of that committee, whether one single portion of that Report was agreed to until it had undergone the most minute consideration. Amongst the members of that committee, I find — without mentioning one liberal Member of the committee — the names of Sir Robert Peel, Lord Hotham, Mr. Estcourt, Mr. Robert Clive, and Sir Eardley Wilmot. Did any difference of opinion exist upon that committee? Can one single instance of such difference be cited, though its labours extended over a period of two years? The Honourable and Learned Gentleman has detected what he terms a most monstrous proposition in this Bill, inasmuch as it interferes with the trial by jury. Why, the Honourable and Learned Member appears to be, himself, entirely ignorant of the law, which, in his judicial capacity, he is appointed to administer.

[Cries of "Oh, oh!"]

He has detected a violation of the constitution in what is the common statute law of the country, as administered throughout England at this moment, without the slightest complaint! I will venture to quote against the Honourable and Learned Gentleman, an authority quite as high as his own with Honourable Gentlemen opposite, and will show him that this infringement of the rights of the subject — this violation of the law of the land — has already been sanctioned by men of the highest legal character and attainments. What was the principle of Sir R. Peel's Acts for the consolidation of the criminal law statutes? Did Sir R. Peel require a jury to be empanelled upon every paltry occasion, on which a case might come before a magistrate? No such thing. He dispensed with the intervention both of juries and of judges, in cases not requiring that interference. I hold in my hand the "further Report from the Criminal Law Commissioners;" and I find it here laid down that "the formality of a solemn court for the trial of crimes of magnitude, when applied to paltry cases, is calculated to derogate from the dignity of a superior court of justice; for the slightness of the offence, and the youth of the offender, usually render him an object of compassion; and the jury, if they do not acquit, usually recommend him to mercy, so that the sentence becomes merely nominal. We are, therefore, of opinion that, in trivial cases, a solemn trial by jury is not likely to operate beneficially." The Second Report of the Commissioners of Criminal Law, in 1836,

contained some important evidence, given by Alderman Harmer,—who, as an alderman of the city of London, and as having been, for very many years, previously, actively engaged in the courts of criminal law, must be considered as a valuable authority upon such a subject. Alderman Harmer's evidence is to the following effect:—

> The course pursued with reference to the trial of juvenile offenders is a constant source of creating or confirming offenders. When little children are placed upon their trial for their first offence, and convicted, a stain is affixed to their characters, from which it is impossible that they can retrieve themselves in after life.

And again:—

> When a child is thus placed upon his trial for a petty offence in a court of justice, the novelty of the scene, and the circumstances in which he is there placed, tend rather to the gratification of his vanity, than to affect him in any other way. He feels that he is the hero of the piece. All the forms to be gone through are on his account,—he has the power to challenge the jury; and he perceives that he is the object of general commiseration; and he hears the audience say, "What a pity it is that such a child should be brought here!"

This is an opinion to which I most cordially subscribe. From a list of persons convicted at the Central Criminal Court, and sentenced to imprisonment for periods not exceeding three months, I extract the following:—One was so convicted for stealing a handkerchief; another, for stealing an awl; a third, for a pair of boots; a fourth, for a loaf of bread; a fifth, for a kettle. Are such petty offences as these the fit and proper subjects for trial by jury? If the Honourable and Learned Member be of opinion that they are, why does he not move to bring in a Bill to repeal all those Acts of Parliament which give summary power to the magistrates? Why does he not propose the repeal of Sir R. Peel's Consolidation Acts, of the Vagrant Act, of the Pawnbrokers Act,—all of which give this same form of summary conviction, which the Honourable and Learned Gentleman thinks fatal to the liberty of the subject? I have before me the Report of the Inspectors of Gaols, in which I find a list of the prisoners, and the crimes for which they were committed. The first I find is, a list of the prisoners in Coldbath Fields Prison; and here we have a boy who had been committed for stealing an orange—another for stealing sixpence—another, two buns—and so on. And would the Honourable and Learned Member desire to have all these petty charges taken before a magistrate, and, after having been investigated by him, sent to the grand jury; and that they should then go before the court, and be made the subject of judicial investigation? Does the Honourable and Learned Gentleman think he would thereby facilitate the administration of justice? As I said before, there is not a single statute in that admirable volume of laws which was prepared by the Right Honourable Baronet the Member for Tamworth, which does not recognise that summary power that this Bill proposes to give. The Honourable and Learned Member would have the law as it now stands; but is he supported, in this respect, by any one authority? Not one. All the magistrates who have been concerned in the administration of justice in the police offices, agree, that the state of law which the Honourable and Learned Member would have, ought not to exist for one hour: and the Police Act, which expires this year, and which must be renewed if this Bill do not pass, gives this very power, of which he complains, to the magistrates; for it provides that, if a man be brought before a magistrate on suspicion of committing a felony, he may be sentenced at once to a certain punishment and imprisonment; but, if he be convicted of a felony, he cannot be so punished without being sent to take his trial; and it is well understood that the majority of the offenders much prefer to come under the summary jurisdiction, than to be sent to trial. I hold in my hand a Report of a committee of the House of Lords, recommending, unanimously, the same principles which I now support; and yet the Honourable and Learned Gentleman comes forward and condemns us for advocating this Bill,—while, in his *ad captandum* speech against it, he could bring forward no authority against it, at all. From the ignorance which the Honourable and Learned Gentleman has manifested about it, I presume that he has never read the Report of the committee of the House of Lords. That Report, in one passage, calls attention to the opinion of Mr. Serjeant Doyley upon this subject, which is identical with that which I maintain. But the Honourable and Learned Gentleman seems to turn up his nose at the mention of Mr. Serjeant Doyley's name.

Mr. LAW.—Really, Sir, I must repudiate this personal style of observation; I did not notice, in any way, the mention of the name of Mr. Serjeant Doyley; and I assure the Honourable Gentleman that it is not usual with me to intimate my opinions in the very elegant manner which he has described.

Mr. HAWES. — The Report goes on to recommend the abandonment of trial by jury, in trivial cases; and yet, although we have the authority of all parties, and of committees of both Houses of Parliament, in favour of the proposed change, we are not to agree to it, because the Honourable and Learned Gentleman chooses to describe it as an infringement of the liberty of the subject. I am, however, disposed to believe that the House and the public will be much more inclined to rely on the authorities I have stated, than even that of the Honourable and Learned Gentleman. I must say that the Honourable and Learned Gentleman has taken a most unusual course, in choosing to raise a debate, on this occasion, on the principle of the Bill. Where was the Honourable and Learned Gentleman when the Bill was proposed to be read a second time, — the occasion on which a discussion on the principle of a Bill is generally taken? The principle of the measure, on that occasion, was fully considered, and the House decided in its favour; and the course now adopted by the Honourable and Learned Member — of taking the debate on the principle of a Bill twice over — is one that, in the present Session at least, is without precedent. The delay and expense of proceeding in criminal cases to which they are now subjected, is an extreme hardship on the great body of the public, and is felt as an injustice by them. The Honourable and Learned Gentleman knows, much better than I can pretend to do, the great reforms and improvements which have been effected in the superior courts; how much the process, there, has been simplified, the delay lessened, and the expenses cut down. Those reforms have, I believe, met the approbation of the Honourable and Learned Gentleman, as well as of every other member of the legal profession. But when we come to those courts which are, in fact, the courts both of common law and equity to the poorer classes, the Honourable and Learned Gentleman rises in his place, and employs all his eloquence in opposing any change whatever; although he must be fully aware of the hardships to which the poor suitors in those courts are exposed. I say, that the Bill is one which will confer great advantages on the great mass of the people, and will be productive of much good to many classes, who are now exposed to a virtual denial of justice. Such, also, was the opinion of the committee: they state, that the poorer suitors are now without remedy for the evils which have been alluded to, and are obliged to submit to the greatest injustice; and the consequence is, that the poor man is rather induced to look upon the law as an avenger than as a friend. I say, then, that the Honourable and Learned Gentleman, in opposing this Bill, is opposing a useful and valuable change in the law, so far as those classes of the community are concerned, who, from their narrow circumstances, are unable to avail themselves of the superior courts, to obtain redress for any wrong which may be done them.

To shew the advantages which this measure will confer on the poorer classes, I need only read the leading heads of the Bill. At present, if a poor man take a lodging, and a dispute arise between him and his landlord with regard to the amount of rent paid, the landlord may take possession of his chest of tools, or of his clothes, and refuse to restore them till his demands, whether just or unjust, be complied with. The poor man, perhaps, goes before a police magistrate, and asks for justice; but what is the reply? The magistrate will answer, "No; this is not the proper tribunal; I have no authority; and you must bring your action of trover in a superior court." But that is no remedy to the poor man, since his poverty prevents him from resorting to it. And let it not be supposed that this is an imaginary case, — it is one of almost daily occurrence. There is no remedy at present, in such cases, for the poor man; but, to the rich man, the superior courts are open, where he can obtain redress for his injuries, because he is able to pay. It is, therefore, necessary and just that we should provide, in some shape or other, a cheap remedy for those civil wrongs which the poor man now endures; and to secure that remedy, is the great object which the framers of the Bill have in view. Nor is the principle of this Bill a new one; it has been frequently acted upon before; and if all the Bills founded upon the same principle were repealed, the court over which the Honourable and Learned Gentleman presides might be crowded with cases, but the suitors in causes to which this Bill is applicable would still be without a remedy. The Honourable and Learned Gentleman has objected to the salaries to be given to the magistrates; and I shall not, now, defend the amount which has been fixed upon. I will only observe, in passing, that the expenses of the Police Courts are not increased by this Bill. But I am here to defend the Report of the committee; and that I feel bound to do, — every word of it having my full concur-

rence. When the Honourable and Learned Gentleman objects to the salaries proposed for the police magistrates, I must be permitted to say, that those magistrates discharge long and laborious duties, — which occupy their time and attention from an early hour in the morning until late at night. It would be improper for me to advert to the manner in which the Honourable and Learned Gentleman discharges the duties of the court over which he so ably presides; but he will allow me to say that those duties bear no comparison, in point of extent, to those which the police magistrates have to perform. I shall deal only with the Judge of the Central Criminal Court, and make no allusion to the Honourable Member for the University of Cambridge. The Judge of the Central Criminal Court has a salary of 3000*l.* a-year — while the salaries proposed for the magistrates, under this Bill, are only 1200*l.* each; and I will now proceed to show that the Judge of the Central Criminal Court earns his 3000*l.* a-year with less than half the labour that these magistrates have to undergo, who are to receive only 1200*l.* a-year each. If this question is to be raised, it will be for the corporation of London, hereafter, to look after the salaries they pay to their judicial officers, — always, of course, having due regard to existing interests. I hold in my hand an account of the number of cases tried in the Central Criminal Court, in the months of March, April, and May. I will confine myself to those tried by the Recorder; and I have already stated the trifling character of some of those cases. From this account I find that the number of cases disposed of in the Central Criminal Court, in the month of March, was 79; in April, 63; and in May, 44 cases; making a total of 186 cases, tried in the course of the three months I have selected. Now, let the House look at the amount of business done in one of the large police offices of the metropolis, during the same length of time; and, in order that the comparison may be perfectly fair, I will take the same months of March, April, and May. I find that at Union Hall Police Office, during the three months I have mentioned, the number of charges tried by the magistrates amounted to 1844. Let the House also remember that the magistrates of Union Hall have to investigate both sides of the questions which they have to decide, and to examine both parties; and that those investigations and examinations occupy the whole of their time, from morning to night. Out of these 1844 charges, too, 644 involved cases of felony, or stealing, or crimes against property; and the remaining 1200 were assaults, and the usual variety of police charges; and all required much time and attention. But, in addition to this, the magistrates at the same office heard and decided, within the same period, 817 cases of summonses and warrants brought before them by private parties.

Now, after the comparison I have instituted, I must say that the objection to the amount of salaries proposed in the Bill comes with a bad grace from the Honourable and Learned Gentleman. I think it ill becomes a gentleman holding a high station in the courts of the country, to raise a question about the money to be paid for the administration of justice, — more particularly when the interests of a large portion of the poorer classes of the people are concerned. I will take it for granted that the Honourable and Learned Gentleman has read the Report of the committee, upon which this Bill is founded. The Honourable and Learned Member will find in that Report strong and urgent reasons for the increase in the salaries of the magistrates which is here recommended, and in the responsibility of which recommendation, I am willing to take my full share. I am satisfied, that if there be one department connected with the administration of justice which more than another requires talents and ability, combined with coolness and discretion, on the part of the administrator, it is that of the police magistrate; and this I say with perfect confidence, when I recollect how much the proceedings before the magistrate affect the larger portion of the population of the country, in all the various cases that come before him. If, then, the police magistrates are now underpaid, and their offices are not filled by men of such high ability and character as, if a larger remuneration were given, they undoubtedly would be, is it not desirable that we should place those offices on such a footing, for the future, that gentlemen possessing adequate qualifications may look to them as worthy of accepting? I have always held it to be bad policy, to raise a question of money, when we have to look to the discharge of duties which can be adequately performed only by men of education and acquirements, — situations, not to be held by men who have left the profession they belonged to because they have found they could not succeed in it; but by men who accept them, because they feel confident that they are able to discharge the duties devolving on them, with honour

to themselves and with advantage to the public. I do not mean to say that improper appointments to the magistracy may not, occasionally, have been made, nor do I intend to occupy the time of the House by entering into a discussion of the subject. The Honourable and Learned Gentleman should, however, have recollected that many of the existing magistrates were appointed before the Noble Lord, the present Home Secretary, came into office. But the Honourable and Learned Gentleman has complained of those appointments, generally; he has talked of the ends of justice being defeated by them; and has endeavoured to connect them with the patronage to be created under this Bill, — for the purpose of showing that the appointments will be made by the Noble Lord the Secretary for the Home Department, with a view to patronage alone, without reference to the fitness of the parties.

Mr. LAW. — I said nothing of the sort.

Mr. HAWES. — I am at a loss, then, to understand what the meaning of the Honourable and Learned Gentleman's argument was; nor can I conceive what it is that he objects to. I certainly understood the Honourable and Learned Gentleman to allude to the appointments which had been made by the present Home Secretary, — in which allusion he appeared to be cheered by the Right Honourable Gentleman near him. Now, I believe that the appointments made by the Noble Lord have been quite as good as any that were made by any of his predecessors; but it is the Honourable and Learned Gentleman who has raised the question of patronage, and he is responsible for it.

Mr. LAW. — No!

Mr. HAWES. — The Honourable and Learned Gentleman, undoubtedly, raised the question of patronage, and connected it with the appointments to be made, under this Bill, by the Secretary for the Home Department. If I rightly understood the Honourable and Learned Gentleman, he did not object to the amount of patronage which the Bill would create, but to the manner in which he supposed it would be administered. The Honourable and Learned Gentleman proposes that the patronage should be given to the judges; but, if he do not object to its disposal by the Secretary of State for the Home Department, why take it from the Noble Lord who at present holds the office? The Right Honourable Gentleman, whom I see opposite, has been Home Secretary; Sir Robert Peel has been Home Secretary; and other gentlemen connected with the party opposite; but I have never heard the question raised before, that it was improper to appoint men to office who may have been political partisans at some period of their lives. The Honourable and Learned Gentleman, with a kind of Herculean strength, has chosen to introduce the Birmingham riots into the debate; and, somehow or other, has mixed up the appointment of magistrates in that town with the abuse of patronage which he says would take place under this Bill. But the Honourable and Learned Gentleman did not condescend to show the House how any extra patronage would arise under this Bill, although he did not neglect the opportunity of slyly insinuating that the patronage might be exercised under it in a manner which had never been tolerated with regard to any previous Secretary of State. Let the Honourable and Learned Gentleman turn to the evidence which was given before the committee, — let him look to the character of the witnesses who were examined upon this subject, — and then let him weigh well the opinions they expressed, and the reasons they gave. I will only refer to the evidence of one gentleman — namely, Mr. Empson, the distinguished jurist, who has rendered the greatest service to the public on this, as well as on all other subjects connected with the administration of the criminal law. That gentleman said, that to deny to the poorer classes the best judges which could be obtained, was an unwise proceeding, to which he never would submit; and that the question of money, in such cases, ought never to be raised. And, again: the poor man has as much right to have eminent men sitting on the bench to decide his case, as the rich man has to have eminent men sitting on the woolsack, to decide questions affecting his property. Nobody objects to the powers which are given to the Lord Chancellor; but the greatest outcry is raised against the smallest power being given to a magistrate, to act, in minor cases, in a civil capacity.

With respect, also, to single jurisdiction, — no one thinks of objecting to it in the case of the Lord Chancellor; but Gentlemen opposite protest most loudly against the principle being brought into practice, in petty cases, by magistrates. Honourable Gentlemen may say that, in theory, the practice of two magistrates

sitting together to decide those cases which may be brought before them, is sound and good, because they serve as a check, the one upon the other. But I entertain a very different opinion upon the subject; for, when a magistrate is sitting alone on the bench, in the face of the public, and in the face of a rigid and vigorous public press, he is more likely to act with decision and caution than if there were two magistrates to decide,—dividing, as they then would, the responsibility of their decisions between them. Therefore it is, that I would rather see the single magistrate exercising the jurisdiction in such cases as would be brought before the police courts under this Bill, than that the decision of those cases should be referred to two magistrates; for I am satisfied that the real check, after all, is the presence of the public. There are various other features in the Bill, which have been referred to, but which it would be better to discuss in committee. There are two or three heads, however, which I may cite, as conferring the greatest benefit on a large portion of the public; and therefore the Bill should not be characterised in the terms bestowed upon it by the Honourable and Learned Gentleman. For instance: in petty and frivolous cases, the magistrate has power to enlarge a person on his own personal recognizance. Another clause enables a magistrate to order a restitution of goods which have been stolen or fraudulently obtained. By another clause, a magistrate has the power of adjudicating in various matters between landlord and tenant. There is one other point to which I attach some importance. If I utter slander against the Honourable and Learned Gentleman, the Honourable and Learned Gentleman will resort to a court of law, and obtain redress; but the expense of that proceeding is considerable. In the case of a poor man, however, he may hear his wife, or the nearest and dearest female relative he has, slandered and abused in the foulest terms; and what is his remedy? He may go before a magistrate and make his complaint; and what will be the answer? The magistrate will say,—as, under the existing law, he must say,—"I cannot give you any remedy; I have no power in the matter; you must carry your complaint to a higher tribunal." What is that, but a virtual denial of justice to a poor man? Now, in this Bill, provision is made for such cases, and a short and easy remedy is afforded; and the principle upon which that remedy is founded is not new, but one that is contained in many other Acts of Parliament. I will not, now, go further into details; but I cannot help stating my opinion, that never was there a Bill brought before this House, from which the people may expect to derive more important advantages. I have to thank the House for the attention it has given to the observations I have taken the liberty to address to it, in reply to the speech of the Honourable and Learned Gentleman; and I have only further to request, that the heat which has been called forth may be forgotten, and that, in the consideration of this measure, that impartial temper will be observed, which its importance most undoubtedly demands.

Mr. LAW.—I wish to say a word or two in explanation. The Honourable Member for Lambeth, in one or two instances, has totally misrepresented what I said. My remarks were confined solely to the increase of patronage which this Bill would give to the Minister. I made no allusion to the Secretary of State for the Home Department, personally; and I never said that the proposed remuneration for the magistrates was too large. There is one other point in which I have—although, I am sure, unintentionally—been misrepresented by the Honourable Member. The Honourable Gentleman has remarked, that there was no ground for my saying that the Secretary of State for the Home Department would exercise his patronage in any other than the best manner. My remarks related to the Minister alone. I made no allusion to the individual.

Mr. HUME.—As the Honourable and Learned Gentleman has now withdrawn the charges he made, I cannot see what objection there can be, to going into committee on the Bill.

Mr. LAW.—I never made any charge.

Mr. HUME.—I thought I had heard the Honourable and Learned Gentleman say that the patronage would be better in the hands of the judges than in the hands of the Secretary for the Home Department. Does the Honourable and Learned Gentleman object to the ameliorations in the existing system, which this Bill would effect? If not, then the minor points to which he has alluded would be much better considered in committee. I am disposed to think, with the Honourable and Learned Gentleman, that the salaries proposed by this Bill are too high; and, in my opinion, the salaries of all the judges are too high. I admit

that the judges' salaries were, formerly, very low; but we have now gone to the other extreme; and I trust that, ere long, we shall arrive at the proper and just medium, — and that, in this respect, the salaries fixed by this Bill will form an example. I would entreat the House to consider, well, the provisions of this measure; and, as a member of the committee on whose recommendations it has been framed, and judging from the evidence which has been adduced, I must say that it appears to be the unanimous wish of the public that the people should have a cheap means of obtaining justice, — which they have not at present. I believe this Bill will effect that end; and I therefore trust that it will be calmly considered. It is, no doubt, true, that many improper persons have been appointed magistrates; but I trust that, under this Bill, the Minister will pay due regard to the responsibility under which he is placed, and that he will take care that none but efficient men be appointed.

Mr. GOULBURN. — When the Honourable Member for Lambeth complained of the course which my Honourable and Learned Friend had adopted upon the present occasion, and said that he had departed from the usual line of proceeding, the Honourable Member must surely have known that my Honourable and Learned Friend had only availed himself of a privilege which is common to all the Members of the House. My Honourable and Learned Friend has done no more than he was fully entitled to do; and the course which he has pursued is by no means unusual, — for it is one which has frequently been followed in the present Session, and, until now, I never heard it objected to. There have been many instances of the principle of Bills being discussed upon the question, "That the Speaker do leave the chair;" and I may mention, as one, the Corporations Bill, on which there was no party opposition. A discussion was taken upon that Bill on the second reading; and again, upon the question, "That the Speaker do leave the chair," a further discussion took place. My Honourable and Learned Friend and Colleague has long filled an important situation connected with the administration of justice; and I believe every Honourable Gentleman present will agree with me, when I say he has discharged the duties of that office to the satisfaction of all parties. And when the Honourable Gentleman states that the police magistrates have more cases to decide than my Honourable and Learned Friend, it will be sufficient for me to state that my Honourable and Learned Friend stands in the position of a judge; and that, although the number of cases decided by the police magistrates may be — as they are, no doubt — far more numerous than those which come before the judges, they are, at the same time, of a very different character, — requiring, generally, much less legal knowledge, consideration, or minute investigation. Therefore, the remark of the Honourable Member would apply as well to any other judge as to my Honourable and Learned Friend. With regard to this measure, I would say that, as it is essential that some Bill for the regulation of police offices should pass in this Session of Parliament, the provisions of the existing Act being on the point of expiring, I think the better course would be, for the House to go into committee upon this Bill, in the hope of being able to make it such a one as ought to pass; but, at the same time, I do not mean to pledge myself to support all its clauses, — to many of which, especially those which have been adverted to by my Right Honourable and Learned Friend, I think there are the greatest possible objections. My Honourable and Learned Friend complained of the patronage which it was proposed to give to the Home Secretary; and it has been attempted to make this a personal matter between my Honourable and Learned Friend, and the Noble Lord who now holds that office. Now, I never knew greater care to be taken, in excluding personal topics from a discussion, than, on the present occasion, has been taken by my Honourable and Learned Friend. My Honourable and Learned Friend specially guarded himself from the possibility, as I thought, of such a charge, by saying, as he did, distinctly, that his objection was not to trusting this patronage and power to any particular individual, but to trusting them to the Secretary of State generally. I quite concur with my Honourable and Learned Friend in that view of the matter. The Secretary of State is, by the present Bill, not merely to have the power of filling up vacancies in the police magistracy, which may be occasioned by death, as is at present the case; but there is now to be superadded an unlimited authority to displace magistrates at pleasure, and appoint new ones in their stead. Provisions of this character, it is natural that a person standing in the position of my Honourable and Learned Friend should call attention to, and require to be modified. It has been asked by the Honourable Member for Lambeth, whether I have not possessed and exercised the power of

appointing magistrates? Most undoubtedly I have; and, so far am I from being ashamed of the appointments which I have made, that I am convinced I appointed no one who was not fully qualified to discharge the duties of his office. I will only refer to one appointment, — that of Mr. Jeremy, — who is universally acknowledged to be an able lawyer and a diligent man, and to discharge his duties to the satisfaction of every one. With regard to the question of salaries, I will merely say, that, when public officers perform their duties diligently and efficiently, I do not object to their being properly remunerated; therefore I have nothing to urge against the salaries proposed to be given by the Bill; but what I do object to is, the proposed extension of the district to which the jurisdiction of the police courts is to apply. As I am not opposed to going into committee, I do not think it necessary to trouble the House with the details of my objections until the clauses shall be brought separately before us.

COLONEL SIBTHORP. — I hope the Honourable and Learned Gentleman will take the sense of the House against this Bill, — for one of a more unconstitutional and mischievous character I never saw introduced. I object to this Bill, first, because it infringes on the rights of the subject, by abrogating, in a great number of cases, the ancient constitutional course of trial by jury; and, secondly, because it confers a considerable increase of patronage on a Government, who administer the patronage already at their disposal in the most improper and objectionable manner. It has been complained that her Majesty's Ministers have not acted fairly and openly upon this question. But upon what other question have they ever acted fairly and openly? I opposed the Metropolis Police Bill, because I thought it a job; and I consider the present Bill as even ten times a worse job than that. Then it is brought forward at a time of the Session when it is impossible that it can be fairly discussed. Upon these considerations, if the Honourable and Learned Member will divide against the Bill, I will support him.

Mr. FOX MAULE. — The Right Honourable Gentleman opposite rose to defend the speech of his Honourable and Learned Friend and Colleague; but he must excuse me for saying that his defence, in this case, was not effective, — inasmuch as he omitted to notice many parts of the Honourable and Learned Gentleman's argument, and appeared desirous of throwing a veil over the greater part of his speech; — for I must say that a speech tending more to abuse, and less to calm discussion, I never heard. There was one question to which my Honourable Friend behind me (Mr. Hawes), in his admirable answer to the Honourable and Learned Gentleman (Mr. Law); — (and I thought it was due to my Honourable Friend, and the committee over which he presided, to allow him to give that answer to the Honourable and Learned Gentleman, before I rose myself;) — there was one point on which he did not fully touch, — and that was, the subject of patronage. I could not but admire the tact of the Honourable and Learned Gentleman, in fixing on that topic for attack, — knowing that it was one on which this side of the House is peculiarly vulnerable. The Honourable and Learned Gentleman dwelt at large on the increase of patronage which would be given to the office of Secretary of State. Did he forget that the twenty-seven magistrates to be appointed under this Bill, exist, already, under the present Act? Did he forget that the Secretary of State has the power of appointing all those magistrates, already, — that all Secretaries of State have had the same power, ever since there had been the same number of magistrates, — and that the Secretary of State has power, at this moment, of dismissing these magistrates exactly in the way in which it is proposed to continue that power under this Bill? The only addition, here, is, that, when the Secretary of State thinks proper to remove a magistrate from office, he shall have power to do so, upon assigning him something to retire upon. And surely the Honourable and Learned Gentleman does not suppose that the Secretary of State would remove a magistrate, if competent to perform efficiently the duties of his office, in order that such magistrate might enjoy a sinecure in the shape of a retiring allowance, or that the Home Secretary might be enabled to fill up the office with some political partisan. If the Honourable and Learned Gentleman could state a single instance of such an abuse of power, his argument would have some foundation. But, as I understand it, this is not so much the objection, as the increase in the salaries. Now, the increase which this Bill proposes in the amount of the salaries is only 400*l.*; and surely that would not be any inducement to the Secretary of State to act in a manner different from that in which he now acts with regard to these appointments. The present salaries

are 800*l.* a-year each, and the proposed amount is 1200*l.* There was one point of the Honourable and Learned Gentleman's speech which struck me, and upon which I must make a remark. The Honourable and Learned Gentleman said he did not mean to cast any reflections on the conduct of my Noble Friend at the head of the Home Department, — that he alluded only to the office of the Secretary of State as held by anybody, and not by my Noble Friend. If it was not his intention to make a personal allusion, why did the Honourable and Learned Gentleman introduce the Birmingham riots? Why, — but in order to insinuate that my Noble Friend had made improper appointments at Birmingham, and might make improper appointments elsewhere? If ever there was a personal allusion, the impression on my mind certainly was, that the Honourable and Learned Gentleman had made such an allusion to my Noble Friend. The whole tenor of the Honourable and Learned Gentleman's speech appeared to me to be, not so much against the Bill, as against the side of the House from which it came. I hope, for the credit of the office which the Honourable and Learned Gentleman holds, that he will take the advice tendered to him by his Right Honourable Colleague (Mr. Goulburn) and by the Honourable Member for Kilkenny; and, having delivered his opinions on the subject, that he will not divide the House on going into committee. If the Honourable and Learned Gentleman should persevere in dividing, there is one point which I would entreat the House to bear in mind. Upon the second reading of the Bill, the only thing dwelt upon by the Right Honourable Baronet the Member for Tamworth was this; — he desired to be convinced, before voting for the second reading, that the Bill was founded (and it is so founded) entirely on the Report of the committee which sat in 1838, and of which the Right Honourable Baronet was a member. If there be anything of value in the Bill, founded on that Report, the Government are most willing to denude themselves of the credit of it, which belongs, in fact, only to the committee who framed the Report. If there be anything, on the contrary, that can be found fault with in reducing the recommendations of that committee into the clauses of a Bill, the Government are quite ready to take the responsibility, to discuss those clauses in committee, and, further, to make such concessions as the House may require. We only desire that the measure may receive full consideration, and the impartial judgment of the House.

Mr. ESTCOURT. — Having been a member of that committee from whose recommendations this Bill has emanated, I feel that I should fail in my duty to the Honourable Gentleman who so ably filled the chair of that committee, and to the House, if I did not offer a few remarks on this occasion. While I cannot concur with my Honourable and Learned Friend in opposing the motion for going into committee, I cannot agree with the Honourable Gentleman opposite in complaining of the objection to the principle of the Bill being taken at this stage. I believe that, according to the practice of the House, it is open to any Honourable Member, if he have not found an opportunity of stating his objections to any Bill at the second reading, to do so on the motion for going into committee. I feel bound, in justice to the Honourable Gentleman the Member for Lambeth, to say, that never was the chair of a committee filled with greater ability, or the duties of a chairman more fairly exercised, than were the chair and the duties of that committee over which the Honourable Member presided; and in saying this, I believe I speak the sentiments of every Honourable Member who served with me. I shall not, now, go through the various clauses of the Bill; but will merely state, that the greater part of its provisions have emanated from the Report of the committee, and, I believe, are framed, as nearly as they could be, to the very wording of that Report. There are, however, in the Bill, certain provisions which the committee did not recommend, and which, I think, are open to considerable objection. I strongly object to that clause to which my Honourable and Learned Friend has more particularly adverted, — and which, by a side wind, supersedes the functions of the grand jury, by allowing the magistrate to frame an indictment, and to place the prisoner immediately on his trial; — I refer to the forty-first section. I believe that one of the recommendations of the committee was, that an appeal should be given from the summary conviction by the magistrate to the quarter sessions; — that has not been attended to in this Bill. I hope that, in committee, some proviso will be introduced for giving to persons, summarily convicted before a magistrate, the right of appeal. I will not further detain the House by going into the objections which I think many of the details of the measure are fairly open to, but will reserve any further observations on this subject until the Bill shall be in committee.

Mr. WOLVERLY ATTWOOD. —

This Bill proposes to extend the provisions of that law which now applies only to the metropolitan district, and within the bills of mortality, to a circuit of fifteen miles round London; and to do away altogether with the powers of the county magistrates in those districts which may be included in that *radius*, — substituting for them the paid police magistrates. This, I think, is an innovation which is highly objectionable. I am not aware of any representations having been made by the persons residing within those rural districts, complaining of any want of protection to their persons or property, under the present system; and if not, I trust the House will not deprive those persons of the advantage of having the law administered, as it is now, by the neighbouring gentry acting as magistrates — unpaid and independent. I know the feeling of the inhabitants of the district which I have the honour to represent; and, in accordance with that feeling, I shall move, in committee, that that district be exempted from the operation of this Bill. Such a measure, as far as my constituents are concerned, is perfectly unnecessary: they are quite satisfied with the manner in which the magistrates of the county perform their duties; and they are, consequently, averse to any such alteration as that which this Bill proposes to effect. With regard to the question of summary jurisdiction, I think it is one that ought to be considered with great jealousy and caution. The arguments which have been urged in favour of it, from the other side of the House, would be equally applicable as applied to the trial of every class of offences. The question to be decided is, where we are to stop? and, on this point, my opinions entirely agree with those of my Honourable and Learned Friend (Mr. Law): and I consider, upon the question as to the extent to which the principle should apply, my Honourable and Learned Friend, himself, to be a far higher authority than any which has been referred to in the course of this debate. I will detain the House only to add that, if my Honourable and Learned Friend should think proper to press his motion to a division, I shall vote with him.

Mr. LAW. — At this hour of the morning, I will not trouble the House to divide, —considering that we shall have an opportunity of discussing the clauses to which my objections apply, in committee.

The amendment was then, by leave, withdrawn; main question put, and agreed to; House resolved itself into committee.

Clause 1. "Police courts to be established."

Upon this clause being put, —

Mr. LAW said: — I object to the word "courts," as used in this clause; and I shall therefore move that it be omitted, and the word "offices" substituted.

Mr. HAWES. — The term "court" is the proper appellation for a place in which justice is administered; and if, in this case, it can, as I believe it will, add dignity to the place in which the poorer classes have so often to apply for justice, I think it would be desirable to allow this clause to remain as it is.

The ATTORNEY GENERAL. — If the words had been "courts of record," — thereby making the magistrates irresponsible, — there might have been some ground for the alarm manifested by the Honourable and Learned Recorder; but, as the clause stands at present, it is only a feather in their cap; and I do not see why they should not be allowed to wear it. I believe there is no foundation for apprehension on the subject.

Mr. GOULBURN. — I will tell the committee why the word "court" should not be adopted in this case: — the other Bill relating to the police of the metropolis has passed with the word "offices" throughout; and if you adopt "courts" here, the police will have no place to take the offenders they apprehend, as there will be no police offices.

Mr. HUME. — The object of the committee is to constitute these places inferior courts; and, really, I cannot see why we should quarrel about a name.

Mr. LAW. — I can see no advantage that can result from the alteration which is here proposed in the name of the police "offices." They are known to everybody by that name; and I think it ought to be retained, — especially after we have recognised it in the former Bill.

Mr. T. DUNCOMBE. — I think it matters little which word we adopt. The Metropolitan Police Bill has been passed by the House with the word "offices;" and, perhaps, it would be as well that this should conform with it.

The SOLICITOR GENERAL. — When that Bill passed, there were no police courts, — they were police offices;

but this Bill establishes the identity of those courts,—stating distinctly that those places, which were formerly offices, shall, in future, be called courts.

COLONEL T. WOOD. — This Bill is a consequence on the other; for, without the other, this could not have existence; they are, in fact, one and the same Bill; therefore, it is absurd to call that a court in the one, which is an office in the other.

LORD VISCOUNT HOWICK. — As this is a mere question of words, I trust there will be no division taken upon it.

Mr. LAW. — With me, it is a question of principle. I object to confer any further dignity on the police offices than they already possess.

SIR C. DOUGLAS. — As the understanding was, that all opposed clauses should be postponed, I will move that the Chairman report progress, and ask leave to sit again.

Question put, and agreed to.

House resumed; Chairman reported progress.

Mr. FOX MAULE. — I will now move, "That this House do again resolve itself into committee on this Bill, on this day (Saturday)."

Mr. LAW. — I must object to this Bill being brought on on a Saturday; and if the Honourable Gentleman persist in his motion, I shall move, by way of amendment, to leave out the words "upon this day," and add the words "upon Monday next."

Question put, "That the words 'this day' stand part of the question."

The House then divided: — Ayes 50; Noes 18; — Majority 32.

AYES.

Adam, Admiral	Gordon, R.
Aglionby, H. A.	Hastie, A.
Baring, F. T.	Hawes, B.
Barnard, E. G.	Heathcoat, J.
Bernal, Ralph	Hobhouse, Rt. Hon. Sir J.
Brotherton, J.	Hodges, T. L.
Cavendish, Hon. C.	Hoskins, K.
Clements, Lord Visct.	Howick, Lord Viscount
Elliot, Hon. J. E.	Hutton, R.
Evans, W.	Langdale, Hon. C.
Finch, F.	Morpeth, Lord Visct.
Fleetwood, Sir P. H.	Morris, D.
Gisborne, T.	O'Connell, M. J.
O'Ferrall, R. M.	Stanley, Hon. E. J.
Parker, J.	Talbot, C. R. M.
Pechell, Captain	Teignmouth, Lord
Philips, M.	Thornely, T.
Pigot, D. R.	Wallace, R.
Pinney, W.	Warburton, H.
Pryme, G.	Williams, W. A.
Redington, T. N.	Wood, C.
Rice, E. R.	Wood, G. W.
Rice, Rt. Hon. T. S.	Worsley, Lord
Rolfe, Sir R. M.	*Tellers.*
Salwey, Colonel	Maule, Mr. Fox
Scholefield, J.	Steuart, R.
Sheil, R. L.	

NOES.

Archdall, M.	Lockhart, A. M.
Attwood, W.	Palmer, G.
Broadley, H.	Sandon, Lord Viscount
Bruges, W. H. L.	Thompson, Alderman
Douglas, Sir C. E.	Williams, W.
Duncombe, T.	Wood, Colonel T.
Gore, O. J. R.	Young, J.
Grimsditch, T.	*Tellers.*
Hodgson, R.	Law, Hon. C. E.
Irton, S.	Sibthorp, Colonel.
Kemble, H.	

Main question put, and agreed to; committee to sit again this day.

COUNTY COURTS BILL.

Further consideration of Report deferred till Monday next.

PAYMENT OF RATES BILL.

Second reading deferred till Wednesday, 31st of July.

ADMIRALTY COURT BILL. — SUPPLY. — WAYS AND MEANS.

Committees deferred till Monday next.

JUDGES' LODGINGS BILL. — GRAND JURY CESS (IRELAND) BILL. — TURNPIKE TOLLS BILL. — FINES AND PENALTIES (IRELAND) BILL.

Read a second time, and committed for Monday next.

TIMBER SHIPS BILL.

Reported; to be read a third time this day.

ASSESSED TAXES COMPOSITION BILL.

Read a third time, and passed.

UNLAWFUL OATHS (IRELAND) BILL.

Considered in committee; to be reported this day.

EMBANKMENTS (IRELAND) BILL.

Second reading deferred till Monday next.

MILITIA BALLOTS SUSPENSION.

On the motion of Mr. FOX MAULE, Bill, "to suspend, for a limited Time, the making of Lists, and the Ballots and Enrolments for the Militia of the United Kingdom," ordered to be brought in by Mr. FOX MAULE and LORD VISCOUNT HOWICK.

Bill subsequently presented; read a first time; to be read a second time on Monday next.

CONSTABULARY FORCE (IRELAND) BILL.

Read a second time, and committed for Monday next.

MILITIA ESTIMATES.

Select committee appointed, "to prepare estimates of the disembodied militia of Great Britain and Ireland for a year, to the 31st of March, 1840:" Lord Viscount Howick, Lord Viscount Morpeth, Sir Henry Hardinge, Mr. Fox Maule, Mr. Hume, Mr. Gore Langton, Colonel Perceval, Mr. Sanford, Mr. Robert Gordon, Mr. Eaton, Mr. More O'Ferrall, Mr. Hawes, Mr. John Parker, Sir George Grey, Sir Henry Parnell, and all colonels of militia: five to be the quorum.

STAGE COACH, &c. DUTIES.

Petitions for repeal, — from Cambridge and St. Ives; and Gloucester and other places. — To lie on the table.

POSTAGE.

Petition from Devonport and East Stonehouse, against the use of stamped paper or envelops. — To lie on the table.

EMBANKMENTS (IRELAND) BILL.

Petition of the Ulster Canal Company, suggesting alterations. — To lie on the table.

CONSTABULARY FORCE (IRELAND).

Committee to consider of authorising the advance out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of the sums required for the salaries of the officers and men, and the other expenses of a reserve constabulary force in Ireland, and also of the salary of the present senior deputy inspector general of the constabulary force in Ireland (Queen's recommendation signified), this day.

PAPERS.

Prisons. — Copy presented — of Fourth Report of the Inspectors of Prisons of Great Britain (southern and western district) (by command). — To lie on the table.

Parkhurst Prison. — Copy presented — of Reports relating to Parkhurst Prison (by command). — To lie on the table.

Crown Teinds (Scotland). — Returns (presented 20th of June and 18th of July) to be printed.

Education. — Return (presented 8th of July) to be printed.

Public Records. — Return (presented 16th of July) to be printed.

Steam Communication (India). — Return (presented 18th of July) to be printed.

Commissions (Scotland). — Return (presented 18th of July) to be printed.

Poor Rates (Lambeth). — Return (presented 18th of July) to be printed.

Adjourned at a quarter after one o'clock.

HOUSE OF COMMONS, SABBATI, 20° DIE JULII, 1839.

MESSAGE FROM THE LORDS,

That they have agreed to — Turnpike Acts Continuance Bill; Bills of Exchange (No. 2.) Bill, with amendments.

PRIVATE BUSINESS.

Marquess of Cholmondeley's Estate Bill. — Reported, without amendment; read third time, and passed.

Boulton's Estate Bill; Templer's Estate Bill. — Leave given the committees to sit and proceed on Wednesday next.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Stage Coach &c. Duties, — From Godalming, Guildford, and Dorking, for repeal.

Maynooth College, — By CAPTAIN ALSAGER, — from Little Eaton, against further grant.

Factories Bill, — By Mr. SANFORD, Mr. WILBRAHAM, and Mr. BROCKLEHURST, against, — from Taunton; Macclesfield; and Congleton.

Postage, — By Mr. HUTTON and SIR E. KNATCHBULL, in favour of the proposed measure, — from directors of the Home Missionary Society; and chairman and secretary of the Kent Association of Congregational Churches.

Collection of Rates Bill, — By Mr. LEADER, — from St. Paul, Covent Garden, against.

TURNPIKE ACTS CONTINUANCE BILL.

Lords' amendments agreed to.

POOR LAW COMMISSION CONTINUANCE BILL.

Motion made by LORD JOHN RUSSELL, and question put, "That the Order of the Day for the committee on the Bill be now read."

Mr. GRIMSDITCH. — The Noble Lord having stated, on a former evening, that he intended to limit this Bill to one year, I wish to know whether, by that limitation, is meant one year from the 14th of August, 1839?

LORD JOHN RUSSELL. — The Bill, as it stands at present, is to continue in operation not only to the 14th of August, 1840, but thenceforth until the expiration of the next Session of Parliament.

Mr. EASTHOPE. — Sir, I cannot allow this Bill to be committed, without expressing my deep regret that a question involving such complicated and extensive public interests should not have been brought forward at an earlier period of the Session, in order that the House might have had an opportunity of discussing its provisions with that deliberation which it requires, and with a view to the adoption of such safe and salutary amendments as experience might have pointed out, as advisable for the better administration of the poor laws. It is obvious to every one who has attended to passing events, that much misconstruction and misunderstanding exist in the public mind, with regard to the working of the Poor Law Amendment Act, and are calculated to produce great public mischief. Such being the case, I deeply regret that the subject has not been taken up on a day, and at a period of the Session, when due time and attention could have been devoted to its consideration, and steps adopted to do away with those erroneous opinions. While I fully approve of the leading principle of the Poor Law Amendment Act, — namely, its tendency to advance industry and discourage indolence, and thereby to improve the character of the working classes, — and am ready to admit that it has been attended with many beneficial results to the country at

large; — I cannot conceal from the House, that I entertain considerable misgivings with regard to the manner in which the powers of the commissioners have, in some instances, been exercised, and a strong conviction that some alterations in that respect are essentially requisite. It has happened to me to become acquainted, personally, with two cases, which gave me great pain. One of those cases occurred in the city of Worcester. It appears that a few individuals, connected with some paupers in the workhouse of that union, had been in the habit of furnishing them with little presents of tea, sugar, snuff, and other things, unimportant in themselves, but greatly valued by the paupers, who had all their lives been accustomed to the use of them, and who derived much solace, in their reduced condition, from these gifts. That practice was continued, with the knowledge and concurrence of the visiting commissioner, for some time. But by and bye, a new commissioner came down; and he, declaring it to be an infringement of the orders of the board in London, and dangerous to the proper operation of the Act, insisted in the most positive manner that it should be discontinued. The guardians remonstrated; but in vain. The new order was enforced, and the consequence was, the guardians unanimously resigned. I, being at Worcester at the time, inquired into all the circumstances; and, let it be understood, I gathered my information from persons who were in favour of the Poor Law Amendment Act, and not from its opponents. I wrote up to the secretary of the board at Somerset House, beseeching him to take some steps to prevent the order from being enforced; but in the *interim* a peremptory order was issued to prohibit the reception of those little presents by the paupers. Now, I must say, that I think such an order was unnecessary, and that the guardians might have been safely intrusted to arrange the matter. The effect of these proceedings has been by no means advantageous to the character of the new system; and surely, at a time like the present, when so much is said against it, it is important that all the attention and inquiry which the most sceptical and adverse can demand, should be directed to it. The other case, which I wish to mention to the House, relates to the town which I have the honour to represent. A representation was made to the Poor Law Commissioners that the board of guardians of Leicester were in the habit of allowing the reporters of the public press in that town to be present at their meetings. The guardians were unanimously of opinion that it was a most salutary regulation; but these Poor Law Commissioners insisted that it was a most improper one! The guardians urged, in reply, that experience had proved that no bad effects could result from the practice; but that, on the contrary, it was likely to produce much good, — being the best protection the guardians and the law itself could have against misconception and misrepresentation. How were the guardians answered? A positive order came down that the admittance of reporters to the meetings of the guardians should be discontinued; and the guardians were put in the position of demurring to the authority of the commissioners, while the people of the town looked upon the order of the commissioners as a piece of oppression too arrogant to be borne without complaint, seeing that they were thus not permitted to be judges of their own affairs in such a matter as the administration of this law. Every man who understands the principle and details of the Poor Law Amendment Act, — be he as warm a panegyrist of it as he may, or let him admire the law as much as I do some parts of it, — must be sensible, upon due consideration, that such an order is totally inapplicable to a town like that, where from 20,000 to 30,000 individuals are likely to be thrown upon the resources of the union for relief in one day. Surely, it is not discreet in the commissioners, sitting in London, to dictate to the guardians, who are upon the spot, and well acquainted with all the peculiarities of the case, what is the best course to be pursued in their own town. I believe that the Poor Law Commissioners are anxious to discharge their arduous duties in the best possible manner, but I cannot help thinking that they occasionally mistake the course they should pursue. I conceive it to be the duty of the House to express an opinion that more discretion should be given to the boards of guardians in the administration of the law in their respective localities, in order to make that law wiser, better, and more efficient.

Mr. LIDDELL. — Sir, I cannot allow the present opportunity to pass, without saying that I entertain a great objection to the prolongation of the powers of the Poor Law Commissioners. I am one of the committee which, last year, sat upon this subject, and I attended it for some days; but circumstances occurred, which rendered it impossible for me to remain in town until the committee had made their Report, and, consequently, I was unable to record my dissent from some of its proceedings. I cannot, now, however,

refrain from publicly stating in the House, that from many material portions of the Report of the committee I do most conscientiously dissent. My objections to the Bill now brought forward by the Noble Lord are of such a nature, however, that I might possibly have been prevailed upon to agree to it, if the powers of the central Poor Law Commissioners were to be extended for a year only; but when I find that an indefinite time is proposed, or that, at least, those powers are to be continued for two or three years longer, — according to the duration of Parliament,— I certainly cannot agree to it. In all the petitions which have been presented from various parishes, relating to this subject, but one feeling has been expressed with regard to the Central Board of Commissioners, and that is a feeling of objection to the arbitrary and extensive powers of that board. To the continuance of those arbitrary and extensive powers I am opposed, because they are founded upon that erroneous principle of centralisation, which, I am sorry to say, is advancing far too rapidly to be productive of any good. I see nothing in that principle, as at present attempted to be carried out, to induce me to regard it with any other feelings than those of fear and alarm; for it appears to me very plainly, that, by the system of centralisation, the liberties of this country will be gradually undermined and impaired. I recently met with a passage in a modern author, whose opinions have some weight with Honourable Gentlemen on the other side of the House, which I will take the liberty of reading to the House: —

Centralisation is a principle which secures the momentary strength, but ever ends in the abrupt destruction, of states. It is, in fact, the perilous tonic which seems to brace the system, but drives the blood to the head. Thence come apoplexy and madness. Centralisation is an excellent quackery for a despot who desires power to last only for his life, and who has but a life interest in the state; but to true liberty and permanent order, centralisation is deadly poison.

LORD JOHN RUSSELL. — Who is the author?

Mr. LIDDELL. — The author is Sir Lytton Bulwer, a gentleman every way entitled to the Noble Lord's regard. The Poor Law Amendment Act has placed the concerns of every parish in the kingdom under the dominion of a central board; and when I hear the opinions which are expressed in certain quarters with regard to the continuance of the powers of that board, the increase of stipendiary magistrates, and that immense railway monopoly which threatens to overturn all the present system of the internal communication of the country, — for at no very distant period,— in the opinion, at least, of men whose opinion is deserving of all respect, — the railroads of the country are likely to be at the command, and under the control, of Parliament, — all this makes me view the growth of centralisation with suspicion and alarm. Another objection which I have to the present Bill is, that I think it is now high time that the unions should be left to govern themselves. I can easily imagine that, while so great a change as was effected by the Poor Law Amendment Act was going on, it was necessary to institute a central board of management, and to set up a new machinery to carry out the measure. But now that the machinery has been organised and put in motion, all over the country, I cannot conceive that the central board is necessary for any good purpose. It may be very well for the Government to devolve on the commissioners all the powers they now have, in order to shift off the responsibility of settling disputes that might arise between ratepayers and boards of guardians. But still there is little advantage derived by the Government from that arrangement; for in cases of dispute, the central board, like Chaos of old, have, by their decisions, only "more embroiled the fray." It appears to me that, in all disputes, there would be little difficulty in the Secretary for the Home Department appointing an assistant commissioner to go and make inquiry, and settle the contested point. It is stated, in the Report of the Poor Law Committee, that they recommend the continuance of the powers of the commissioners, "in preference to any system which, by leaving the administration of the poor laws without the control and superintendence of a central board, might cause the recurrence of those abuses which existed previously to the passing of the Poor Law Amendment Act." If that argument be valid, there is no reason why we should not advance to the perpetuation of the central board. But here I am led to inquire, what are the purposes for which poor laws were originally established? First, to protect the infirm, the aged, and the distressed, from starvation and want, by providing relief for them; and, secondly, to protect the industrious ratepayer from exorbitant taxation, occasioned by a wasteful and improper expenditure of the rates levied upon him. There are many parts of the kingdom, to which the New Poor Law has been extended, without any reference having been had to the

state of the population therein; and I am not aware that the poor are better off now, than they were before that law was passed, even though it has led to an increased burden on the poor-rates. When it is said that the continuance of the central board in London is necessary, in order to preserve the country from abuses, I beg to ask the House whether the ratepayers, having now seen their affairs managed under a better system, and that parish relief ought only to be given to those who really deserve and stand in need of it, — I beg to ask whether it is likely that the ratepayers, having the remedy in their own hands, will now consent to any such abuses as existed before the time of the present law? Supposing any abuse to take place in any particular district, the ratepayers, finding an increased burden upon them, would, undoubtedly, demand an account of the cause of such increase, and would insist upon a return to the better system that has been introduced by this law. I repeat, that they have the remedy in their own hands; and if any board of guardians should be too easily prevailed upon to make allowances, which they ought not to grant, the ratepayers have it in their power to cure that abuse by the election of other guardians. The ratepayers will compare the expenditure of their own union with that of others; and, on the whole, I have no fear that any recurrence to former abuses will take place, even if the control of the commissioners be removed. I am therefore of opinion that the responsibility of the management of their own affairs should be left with the board of guardians, and not be vested in a central board in London. Although the commissioners and sub-commissioners give a different account of these things, yet I beg to say that I am supported in the opinions I have now expressed, by every independent witness who was examined before the Poor Law Committee. I cannot, therefore, consent to the Bill of the Noble Lord.

There is one more topic to which I deem it necessary to allude. I am happy to learn that the Noble Lord opposite (Lord J. Russell), finding that he could not carry the Summary Jurisdiction Bill through during the present Session, has given notice of a distinct and separate Bill, to effect some changes in the abominable bastardy clauses of the existing statute. I undertake to say that many cases of great cruelty have taken place under the bastardy clauses, and I will state one which has come within my own immediate knowledge. It will be remembered that the Poor Law Amendment Act exempts from the operation of the bastardy clauses all cases of bastardy in which the children have been born before the passing of the Act. Now, in the case to which I am about to allude, the rules laid down by the board of guardians have completely distorted the spirit and letter of that provision, and led to a denial of all support to the child. A shepherd in the part of the country with which I am connected, had a daughter who had an illegitimate child a short time previous to the passing of the Poor Law Amendment Act. She supported her child in her father's house, assisted by a weekly allowance from the child's father, paid through the overseers of the town. After the passing of the Act, the relieving officer from the board of guardians for the union in which the child was born, gave notice to the woman, that she would receive no further allowance from the board; offering, at the same time, to take the child into the workhouse. Now, the child had arrived at the age of 5 or 6 years, and had wound itself round the hearts of the mother and its grandparents, and they refused to part with the child. They applied to me; and I told them that, in my apprehension, the law entitled them to relief from the father of the child; but the guardians refused them their assistance. This was a proceeding of great injustice and severity; and an abuse of the law; for the father of the child has been allowed to go scot free for the rest of his life, and the whole charge of the maintenance has devolved on the grandfather. But this is only one case out of hundreds of the same kind; it is, however, an abuse to which I felt it right to call the attention of the House. I will not trouble the House further; I have done what I conceive to have been my duty, in thus expressing my dissent from the recommendation of the committee; and I am confident, that, in opposing the further continuance of the powers of the central board, I am acting not only in accordance with my own feelings, but with those of a majority of the people of England.

Mr. BRISCOE.—I intend most heartily and sincerely to support the Bill brought in by the Noble Lord at the head of the Home Department. The Honourable Member who has just sat down seems to think that the powers of the commissioners have been most unwisely placed in their hands. Now, I believe that those powers have been, with few exceptions, most wisely and judiciously exercised; and I am convinced that, unless they had been so conferred, the provisions of the Poor Law Amendment Act would never have been carried into effect with

anything like uniformity. The Honourable Member opposite has objected to this law as affecting the civil liberties of the subject; but I contend that it cannot be viewed in that light; for the commissioners have not the power to exercise any sovereign will and pleasure, but are bound to act in accordance with the law: every rule and regulation they propose must be submitted to the Secretary of State before it can come into operation, and must also be laid on the table of the House every Session. I therefore contend that the responsibility rests with the House itself, and not with the Poor Law Commissioners, if any unwise or improper rules and regulations be made. The other point of objection, to which the Honourable Member for North Durham principally alluded, is that of the bastardy clauses. It is true I have heard complaints made against the cruelty of those clauses, and the hardship they impose upon women; but I am at a loss to understand why these complaints should be urged. Under the old law, there did exist very strong grounds of complaint; and frequently have I heard the remonstrance, at the courts of quarter sessions, that the unhappy mother of an illegitimate child was working on the treadwheel, while her offspring was lying upon a prison bench. That is not the case now; for the present law, as compared with the former law, is one of kindness and humanity to these unhappy females, because they and their children are maintained at the public cost, if they have not the means of supporting themselves. If any grievance can, with justice, be now alleged, it is, that the fathers are not called upon to pay; so that the ratepayers, on whom the burden is thrown, are the only parties who have any right to complain, with reference to these clauses. I am reminded that the Noble Lord near me (Lord J. Russell) means to introduce a clause to meet this objection; and I am sure such a provision will be both wise and useful. But I rose principally to express my concurrence in the objections which have been raised by the Honourable Member for Leicester (Mr. Easthope). I do think that those presents of tea and other comforts to the inmates of workhouses ought never to have been interfered with; and I also agree in the opinion, that the proceedings of the guardians ought not to be held in secret, but that the press should be admitted,—inasmuch as the proper administration of the law is a question in which both the poor and the ratepayers are deeply interested. With these exceptions, I am inclined to think that the conduct of the Poor Law Commissioners, generally, is deserving of approbation. The boards of guardians are very often disposed to throw blame upon the commissioners for errors, for which they are themselves blameable, especially with respect to the treatment of the aged poor. A general opinion prevails, that aged persons are not entitled to any relief, except within the walls of the workhouse. Now, I contend that that is a matter entirely within the discretionary power of the guardians themselves — that they have the power to make such an allowance to the aged of both sexes, out of the workhouse, as they shall think necessary. I, last year, made particular inquiries, both in the borough I represent, and in the Croydon union, as to the number of aged poor relieved out of the house, and the number relieved within the walls. I found that in the Croydon union, which consists of twelve parishes, not a single day passed in which out-door relief was not afforded to aged poor; and that the number of aged persons within the house only amounted to two, who were so infirm,—so totally unable to assist, or take care of, themselves — that it was a great boon to them to be kept in the house, where they had the benefit of medical advice, and the attendance of a nurse. I have felt it my duty to make these few observations in support of the views expressed by the Honourable Member for Leicester. When the proper time arrives, I shall be prepared to state the grounds upon which I regard this measure as one of the wisest and most beneficial to all ranks and classes, especially the poor, that has ever been passed, even by the reformed House of Commons.

SIR E. KNATCHBULL. — I do not intend to follow the Honourable Member in his speech upon the question of reading the Order of the Day. I think the more convenient course to pursue would be, to allow the Order of the Day to be read, and then to proceed to the discussion of the merits of the Poor Law Act, on the amendment of which the Honourable Member for Sussex (Mr. Darby) has given notice. I perfectly agree in the opinion expressed by the Honourable Member who has just sat down, that much good has resulted from the existing law; and I believe that, as far as the management of the workhouses is concerned, the boards of guardians discharge their duty satisfactorily. A few days ago, the Honourable Member for Ashton brought a charge against the management and dietary of a certain poorhouse in that part of the

kingdom with which I am connected; but I believe that the Honourable Member, after visiting the workhouse in question, expressed his approval both of the dietary and the other arrangements.

LORD JOHN RUSSELL. — I quite concur in thinking that the course suggested by the Right Honourable Baronet would be the most convenient.

Mr. WILBRAHAM. — Sir, I beg to say that I feel it a duty incumbent upon me to add my regret, to the very general expression of discontent which has been caused by the postponement of this question to so late a period of the Session. However, as I think that, of all laws which could be introduced, the Poor Law Amendment Act is that one which depends most for success on being permitted a fair trial, and on an equal mode of administration, I shall feel it my duty to give my support to the present Bill.

Mr. W. ATTWOOD. — I beg to state that it is my determination to divide the House against any further proceeding with this Bill. But I wish, in the first instance, to ask the Noble Lord at the head of the Home Department, whether a Report which it is stated in the Report of the Poor Law Commissioners was intended to be made upon the subject of the continuance of their powers, has been received by him? and if so, why it has not been laid upon the table of the House? I wish, also, to know whether the recommendations agreed to by the Committee on the Poor Laws have been adopted and brought into action by the commissioners? because, in the Report of the commissioners before the House, I find no mention made of those recommendations, or that any steps have been taken to carry them into effect. It has been said that the disposition of the committee was rather favourable to the Poor Law; and anybody who reads the Report and the evidence will readily see that there has been a great disposition on the part of the committee to consider that the commissioners would carry the law into effect with great mildness; and in that view the Report has been framed. I am not disposed to say that this was not a judicious disposition on the part of the committee; but, in the Report of the commissioners which is now before the House, I do not find any such inclination manifested by them. The committee have agreed upon certain recommendations as to the course which ought to be pursued by the Poor Law Commissioners: in the first place, one of those recommendations is, that the commissioners should have the power of increasing or diminishing the size of the unions which exist throughout the country, — reference being had, in all such cases, to the making access to the board of guardians more easy and convenient to the poor seeking relief. The object of this recommendation is, to remove the difficulties in the way of an approach to relief, arising from the distances which the paupers have to go, in some instances. In the Report of the commissioners, however, I do not find any allusion made to that recommendation, or that any step with reference to it has been taken. Another recommendation of the committee arose from the fact that large districts for relieving officers had been found not to be desirable; for, in some instances, those districts were so large that the relieving officer was not able to attend to the wants of the poor; and the committee accordingly recommended that, in rural districts, only eight parishes, containing a population of not more than 8000, — and in towns, not exceeding 10,000, should be united and left to the care of one relieving officer. Of this recommendation I see no mention in the Report of the commissioners, or that there has been any reduction in the size and extent of the districts spoken of in the evidence taken before the committee. Again, there was a recommendation with reference to the extent of the districts assigned to medical officers, — with respect to whom the evidence was strong, not only that the remuneration they received was wholly inadequate and insufficient to secure competent skill or proper supplies of medicine, but that the districts were much larger than it was possible that any one medical officer could give his attention to. Now, it is very essential that all these recommendations of the committee should be acted on by the commissioners, in order to render the administration of the Poor Law more easy; but, notwithstanding, even these scanty recommendations, calculated to increase the comforts of the poor, have not in the slightest degree been attended to by the commissioners. Whether those gentlemen will attend to a mere Report of a committee of this House I do not know; but I certainly think that it was the duty of those by whom the committee were appointed, and who are prepared to back their Report, to call the attention of the commissioners to these essential recommendations. On these grounds, and as I do not see these recommendations attended to, or any disposition evinced by the commissioners to adopt any alleviation of the severities of the Act, I am prepared to divide the House against the further progress of this Bill. It has been said that but few aged per-

sons are to be found within the workhouses; but in the house I am acquainted with, there are none else; there is not a single able-bodied person, except one idiot, all the rest being aged and unable to work. And when I find that these are confined within the walls — that they are prohibited from seeing or receiving their friends except on Tuesdays and Fridays — that they are prevented from going without the walls even to attend divine worship, without the special leave of the guardians, — when I see the rules applied with such a degree of strictness, as to amount to a cruel hardship on those unhappy individuals — I feel bound to come forward on behalf of those who cannot protect themselves. I will not detain the House further than to repeat my determination to divide the House on this question.

Mr. HINDLEY. — Sir, I wish to offer a few observations in reference to the statement I made on a former occasion, with respect to a union in Kent, and which has been impugned by the Right Honourable Baronet opposite (Sir E. Knatchbull). I wish to ask the Right Honourable Baronet whether the statement I made was not a correct one? and whether the diet of the able-bodied in that workhouse is not 6 oz. of bread and 1 oz. of cheese, or half an ounce of butter, for breakfast; an ounce more bread for dinner; and the same quantity for supper? I would ask, further, whether there is any variation in the diet, except suet pudding twice or thrice a-week? and whether the only beverage allowed is not water? I admit the cleanliness and order of the workhouse, and the attention paid to the children; but I remarked, at the time, to the board of guardians, — whom I do not blame, for they are only instruments in the hands of the Poor Law Commissioners, — I remarked to them, that, although I allowed the quality of the food to be good, yet the quantities were insufficient for able-bodied men. I beg, further, to ask the Right Honourable Baronet whether he thinks it right, with the rental of land at 3*l.* per statute acre, to treat the able-bodied poor, who are unable to obtain work, in this manner?

SIR E. KNATCHBULL. — Sir, I am sure the Honourable Member will be gratified to be set right when in error; and I therefore beg to inform him that the land in that neighbourhood is not let at 3*l.* per acre. With regard to the other questions put to me by the Honourable Member, I cannot answer them better than by reading to the House a letter which I have received, to-day, from the chairman of the board of guardians of the union to which the observations of the Honourable Member were applied. The letter is as follows: —

Ramsgate, July 19. 1839.

Sir, — Mr. Hindley is reported in the *Standard* of the 16th instant, on the debate on the second reading of the Poor Law Commission Continuance Bill, to have said, "that, in the case of a parish between Margate and Ramsgate, the paupers were limited to the starving point." Now, whether he refers to St. Lawrence or St. Peter, I know not; but I deny it in the former parish, and in the latter I can assure you the out relief is the largest and highest in individual amount of any in the union. In the name of the board at which I have the honour to preside, I have to request the favour of your taking an opportunity, either when the Bill is in committee, or on the third reading, to contradict Mr. Hindley's assertion. In the summer of 1837, Mr. Hindley, when staying at Broadstairs, visited the central house of the Thanet union (introduced to the board-room by my predecessor in the chair), when the guardians were sitting. After he had very specially inspected the establishment, and more particularly the provision and dietary table, he was invited to make his remarks without reservation: his reply was, that he was more satisfied with the establishment than he supposed he could have been, and that the quality of the provision was good, and the quantity more than he could eat. He then endeavoured to persuade the board it only required moral courage to oppose the orders of the Poor Law Commissioners, and they would succeed. Well, I thought I would put the moral courage of this wise man of Ashton to the test; so I requested he would do us the favour to enter, in the book kept for the purpose, his name, the object of his visit, and his remarks. This he declined doing; and why? I think I recollect these to be his words: — "I happen to represent a constituency much opposed to the Poor Law Amendment Act; and if any of them should visit the Isle of Thanet, and visit this house, and see entered in this book what I have now stated, it might injure me." Now, I would ask this valorous legislator, where he keeps his moral courage, when he is afraid to record his honest conviction of error? I beg to apologise for intruding thus much on your time, but myself and colleagues feel Mr. Hindley's remarks to be so unjust, that we should be culpably guilty if we did not notice and expose his conduct. I have the honour, &c.

To this I shall not add any observations.

Mr. HINDLEY. — It is not true that I stated that the allowance was more than I could eat. On the contrary, I made the same observations as to the dietary to the board of guardians, that I have made to the House. It is true that I approved of the general order and cleanliness of the establishment; but I certainly refused to give a written testimony in favour of it, on the ground that it might lead to misapprehension elsewhere; and the prudence of my conduct in this respect is

now evident, from the fact, that even the partial approval I expressed is now attempted to be brought forward as a token of my general approbation of the whole measure. In order, however, to show whether my statement as to the dietary was correct or not, I shall take an early opportunity of moving for a Return of the dietary in the workhouse in the Isle of Thanet.

SIR E. KNATCHBULL. — I cannot, of course, say what quantity of food the Honourable Member could eat; but that has nothing to do with his refusal to enter his remarks on the minutes.

Mr. C. LUSHINGTON. — I wish to draw the attention of the Noble Lord below me to a peremptory order issued in March, 1838, by the Poor Law Commissioners, to the assistant commissioners, requesting them to insist upon the appointment, by the board of guardians, of chaplains to the workhouses. I wish to know whether the commissioners have power to insist on such appointments being made? A case has been laid, I believe, before the law officers of the Crown, who have declared that the commissioners have such powers, but add, that the question is at present under the consideration of the Court of Queen's Bench. Has the Noble Lord issued any instructions to the commissioners with a view to restrain them from harassing the boards of guardians with directions to appoint chaplains to their workhouses?

Mr. WAKLEY. — Sir, the Right Honourable Baronet opposite (Sir Edward Knatchbull) has, with very commendable *finesse*, contrived to divert the attention of the House from the question of the dietary for the Thanet union workhouse. The Right Honourable Baronet has read a letter which raised a laugh — a justifiable laugh, I think — against the Honourable Member for Ashton. It suggests a caution, however, to Honourable Members, and will teach them not to have their feelings subdued, or their moral courage upset, by any attentions or civilities which may be shown them on their visits to these workhouses. The Honourable Member for Ashton might not have been able to eat the whole allowance he saw, but perhaps that might arise from his having no appetite at the time. But is the diet there such as a person is capable of eating? The Right Honourable Baronet has not stated what the dietary allows; neither was it convenient to the writer of the letter which has been read, to inform the House what the dietary is. The truth is, that the allowance, regulated by the Poor Law Commissioners, is exceedingly small; it is an allowance well calculated to keep down fever; it is not an exciting allowance; they have no beer, but drink water, and live on gruel. The Right Honourable Baronet has denied that the rent of land in that neighbourhood is 3*l.* per acre, but he forgot to say what it amounts to, — whether it is 2*l.* 15*s.*, or not. The Poor Law Amendment Act was a landlord's measure; it was passed, as everybody knows, to depress the labourer to the lowest possible degree.

[Cries of "Oh!"]

Whenever the truth is uttered in this House, there are always loud cries of "Oh!" but if falsehoods are uttered by the hour, there is not a single exclamation. I repeat, that the Bill was passed to keep down the condition of the labourers, and to raise the rents of the landlords. Is there a man of common honesty who will deny that fact? Has the Bill succeeded in doing that which it was said it would effect, — namely, raise wages? Certainly not. I repeat my former statement, that the wages of agricultural labourers in the West of England are only 7*s.* per week; that is the sum total they receive for their weekly labour, and they have no collateral advantages whatever. Now, seeing this state of things, is it desirable that the powers of the Poor Law Commissioners should be continued? Has the Bill succeeded? — has it gratified its supporters by lowering rates? In one half of England, at least, in that respect, it has not succeeded; while it has taken away from the local authorities the powers exercised by them from the time of Elizabeth up to the date of this Bill passing into a law; it has established a more obnoxious system of plural voting than even Sturges Bourne's Act did; and, in short, this measure is producing, from one end of the country to the other, increased discontent. If the Honourable Member opposite divides the House, I shall vote with him; although I should not be sorry to see the Bill renewed for two years, being certain that we should, at the end of that time, never be able to renew it again. Objectionable as the law is made in its working, and by the conduct of the commissioners, there is no part of their conduct which has produced greater discontent than that of letting out the poor, in unions, to the lowest medical bidders. In point of practice — would the Commissioners let out their horses to the lowest veterinary surgeon who might

send in a tender to take care of them? Would they even intrust to them the dogs in their kennels? They would not do this; but they have done so, thoughtlessly, recklessly, and inhumanly, towards the poor. Only let a low tender be made, that is calculated to lessen the amount of rates, —and it is sure to be received. There have been hundreds of instances where young, thoughtless men, desirous of obtaining experience, have put in low tenders, with a view to improvement by practice; and, without reference to the moral character or professional skill and abilities of the candidate, the low rate of tender has been held to be a sufficient recognition of the candidate's power to discharge the duties of the office. I cannot believe that the House will sanction these proceedings; although the Poor Law Commissioners have done so, notwithstanding the evidence adduced on this point before the select committee last year. Certain new regulations have lately, indeed, been issued by the Poor Law Commissioners; but it remains to be seen whether they will be acted upon, and they are by no means perfect. Why should there not be a medical commissioner appointed? Yes, there has been already one, —a medical gentleman, appointed an assistant commissioner, and the Noble Lord will bear testimony to his efficiency and zeal. Amongst the assistant commissioners, the most efficient is Dr. Kay; and he would have given even increased gratification, if he had been empowered by the commissioners to inspect the medical department. He has, however, no such power, or he would have seen justice done to the poor on this most important point. There is still another matter well worthy of notice, to which I must also beg to direct the attention of the Noble Lord. It appears that the Poor Law Commissioners sanction the appointment of relieving officers and of surgeons of unions to the office of registrar of deaths. Observe how this works. A poor man applies to the relieving officer for relief; he is refused, and dies through neglect. Who registers that man's death? Why, the relieving officer, who, by his neglect, caused it. Should this be allowed? I hope the Noble Lord will prevent either relieving officers or surgeons of unions from holding the office of registrar of deaths; for such a system cannot work well; it must be pregnant with evil consequences, which can be averted only by the removal of such functionaries from their offices. I shall vote against the further progress of the Bill, as I would against any measure for the continuance of a system the most tyrannical ever established in a country calling itself free.

LORD J. RUSSELL.—Sir, although I had wished to defer the discussion of the merits of the Bill until the Order of the Day had been read, I must hazard, now, a few remarks, in consequence of what has fallen from the Honourable Member for Finsbury. With regard to the question of medical attendance, the Honourable Member is certainly more competent than any other Member to express an opinion; but, for that very reason, the Honourable Member ought to be more cautious and guarded in the statements he makes. The first intention of the commissioners was to give the preference to the lowest tender for medical relief. I have had, however, several conferences with them; and the result has been, that it is generally circulated that they do not recommend the adoption of the lowest tender in all cases, nor when there are other offers of superior ability. At the same time, it is quite impossible, in every case, to prevent more regard being paid to economy than skill; but my belief is, that the medical attendance on the poor has been better and more efficient, under the Poor Law Amendment Act, than it was before that Act became the law of the land. Formerly, medical relief was matter of contract, — the poor were put out to auction at the lowest tender, — and there are instances on record, in which able-bodied labourers were set up to auction, for hire by the farmers. The Honourable Member did right in turning his attention to this subject; but I hope that, with respect to this important matter, the Honourable Member will not make statements which may produce, in the minds of the poorer classes, jealousy and alarm. The Honourable Member opposite (Mr. W. Attwood) has asked me a question on the subject of the recommendations of the committee of last year. With respect to those recommendations, I directed the Poor Law Commissioners to furnish me with a Report as to the course they would suggest for the alteration of the law, necessary to carry out those recommendations. The Honourable Member seems to think that the size of the unions could be altered, and the other changes made, without the consent of Parliament; but it appeared to me that an alteration of the Act would be necessary; and I therefore directed the commissioners to make a Report, on which it was my intention to bring in a Bill. This, however, was prevented by unexpected interruptions in the business of the Session; and finding it impossible to carry such a measure through, I have requested the commissioners to postpone their Report for the present. It is true, such a Bill might have been introduced; but it

would have interfered with the progress of other measures, and the interests of the empire would have suffered by the affairs of Jamaica and Canada being neglected.

LORD G. SOMERSET. — I certainly charge the Noble Lord with neglect, in not bringing in this Bill, as there was full time for its consideration. I look upon the whole system with regard to medical relief, by tender, as vicious. The word "tender" ought never to have been introduced. It is for the board of guardians to consider the proper mode of providing that relief. I cannot concur in the propriety of having a medical Poor Law Commissioner. I must deprecate the appointment of Dr. Kay; because, from my recollection of that gentleman's evidence, I believe that he approved of all the harsh regulations of the board. My opinions with regard to the subjects of wages and of the bastardy clauses remain unchanged; and while I cannot vote with my Honourable Friend behind me, I am bound, at the same time, to state my strong objection to many of the provisions of the Poor Law Amendment Act.

LORD WORSLEY. — Sir, with respect to the statement of the Honourable Member for Finsbury, that wages are so low as 7*s*. a-week, I made inquiry at the late Oxford meeting on this subject, and I am sorry to say, that in part of Devonshire I find such is the fact. With reference to the measure before the House, I consider it to be of the greatest importance that this Bill should pass. It has been stated that the rates have been increased by the Poor Law Amendment Act; whereas, in point of fact, I know of their having been much diminished in many parts of the South of England.

The EARL of EUSTON. — I beg to say one word in vindication of the appointment of Dr. Kay; — that his services have been very beneficial, and that than him there is no more benevolent or kind-hearted man.

The House then divided: — Ayes 86; Noes 27; — Majority 59.

AYES.

Acland, Sir T. D.	Barrington, Lord Vt.
Acland, T. D.	Barry, G. S.
Adam, Admiral	Bernal, R.
Aglionby, H. A.	Bowes, J.
Baines, E.	Bridgeman, H.
Barnard, E. G.	Briscoe, J. I.
Broadley, H.	Parnell, Rt. Hn. Sir H.
Bruges, W. H. L.	Pendarves, E. W. W.
Buck, L. W.	Philips, M.
Callaghan, D.	Plumptre, J. P.
Campbell, Sir J.	Ponsonby, C. F. A. C.
Clements, Lord Visct.	Price, Sir R.
Craig, W. G.	Protheroe, E.
Dalmeny, Lord	Pryme, G.
Darby, G.	Redington, T. N.
Eliot, Lord	Rice, E. R.
Elliot, Hon. J. E.	Rich, H.
Euston, Earl of	Rushbrooke, Colonel
Evans, G.	Russell, Lord J.
Evans, W.	Sanford, E. A.
Ferguson, Sir R. A.	Seale, Sir J. H.
Fitzroy, Lord C.	Sheppard, T.
Freshfield, J. W.	Smith, R. V.
Graham, Rt. Hn. Sir J.	Somerset, Lord G.
Hawes, B.	Stanley, Hon. E. J.
Hill, Lord A. M. C.	Steuart, R.
Hobhouse, Right Hon. Sir J.	Stuart, Lord J.
	Stock, Dr.
Hodges, T. L.	Strutt, E.
Hope, Hon. C.	Style, Sir C.
Howard, P. H.	Thomson, Rt. Hn. C. P.
Hutton, R.	Thornely, T.
Knatchbull, Rt. Hon. Sir E.	Troubridge, Sir E. T.
	Verner, Colonel
Langdale, Hon. C.	Vigors, N. A.
Loch, J.	Wall, C. B.
Macaulay, T. B.	Warburton, H.
Macleod, R.	Wilbraham, G.
Maule, Hon. Fox	Wodehouse, E.
Morpeth, Lord Visct.	Wood, C.
Norreys, Sir D. J.	Wood, G. W.
O'Brien, W. S.	Worsley, Lord
O'Connell, John	
Packe, C. W.	*Tellers.*
Pakington, J. S.	O'Ferrall, R. M.
Palmer, R.	Seymour, Lord
Parker, J. (Sheff.)	

NOES.

Attwood, T. (Birm.)	Hindley, C.
Baring, H. B.	Hodgson, F.
Brotherton, J.	Hodgson, R.
Collins, W.	Lowther, J. H.
D'Israeli, B.	Monypenny, T. G.
Douglas, Sir C. E.	Parker, R. T.
Duncombe, T.	Perceval, Hon. G. J.
Easthope, J.	Scarlett, Hon. J. Y.
Egerton, W. T.	Turner, W.
Ellis, W.	Wakley, T.
Fielden, J.	Williams, W.
Fenton, J.	
Fleetwood, Sir P. H.	*Tellers.*
Grimsditch, T.	Attwood, W.
Hall, Sir B.	Liddell, Hon. H. T.
Hinde, J. H.	

Order read.

Mr. DARBY. — Sir, the Noble Lord opposite has not dealt fairly with the House in this matter. We have the Noble Lord's distinct admission that some portions of this Act require amendment; yet, now, without any suggestion of amendment, the Noble Lord proposes that the Act be continued in force for a period of two years. Where is the consistency or the justice of this course? In dealing with this subject, a distinction has been

drawn by the Noble Lord, of which I am willing to admit the force. We certainly ought not to confound all the hardships which have arisen since the introduction of the Poor Law Amendment Act, with the particular hardships resulting from the new system. I do not intend to enter at any great length into the evidence taken by the commissioners. I shall rather apply myself to the practical difficulties of the case. I will cite one instance, detailed in the evidence, which is particularly illustrative of the system. A pensioner, who described himself as perfectly willing to go to Canada, or to any of our other colonies, stated to the commissioners the amount both of his expenses and his earnings, specifying how he was employed, and that, in fact, he was never idle. He had married under the old Poor Law, and had a large family, for which it was impossible, with his narrow income, to provide. When he married under the old law, he expected a reasonable allowance to assist him in maintaining his family; and said, that if the commissioners would provide for so many of his children as he was unable with his income to support, he should be satisfied to provide, himself, for the remainder. This is one of those numerous cases of hardship of which I think that I have a reasonable right to complain. Parties marrying under the old system obtained an adequate amount of relief. But the reduction of wages having occasioned a considerable diminution of their income, and their families becoming much enlarged, their state—with the prospect held out to them at present—becomes wretched and helpless indeed. If they desire to obtain relief under the present system, they must consent to break up their establishments. If they require relief for the maintenance of one child only, they must all go into the workhouse. The cottage and furniture must be sold. In the workhouse, alone, will any relief be conceded. Now, let me refer to the expectations held out upon this subject by Lord Althorp upon the introduction of the new Act. In reply to a question from the Honourable Member for Salford (Mr. Brotherton), Lord Althorp stated, that "it was contemplated, in the process of time, to introduce the system of administering out-door relief,—a system which he believed might ultimately be found to work advantageously." What has become of that declaration? With respect to the continuance of this Bill, which the Noble Lord says that he does not regard as a permanent one, I am certainly of opinion that, as we test it by experience, we must, by degrees, make the experience thus acquired the subject of enactment, otherwise the Poor Law Commission must be permanent. There have been Bills introduced into this House, giving the Poor Law Commissioners duties to perform, which look very like permanent duties.

With respect to the origin of the Poor Law Commission, my idea of it is this.—Very great evils had arisen from the maladministration of the poor laws. In many instances, the overseers were found to be totally incompetent to discharge their important duties. In many other cases, however, the overseers were found to be fully competent. But, as we had no certainty as to the general competency of the persons who would be called on to carry out the provisions of the Poor Law Amendment Act in practice, it was found to be advisable to have recourse to a Poor Law Commission. By introducing, however, gradually, an improved system of management, we may, ultimately, be enabled to conform to what appears to be the intention of the Noble Lord, and to get rid of the Poor Law Commission. It is necessary to make some provision for paupers who have married, calculating upon the relief afforded by the old system of poor laws. All the plans which have been hitherto devised for their relief have proved insufficient for the purpose. The scheme of sending the poor into manufacturing districts has entirely failed. Emigration to Australia has been limited by the amount of capital employed in that settlement; for the principle acted upon is this,—that pauper emigration shall not be carried to such an extent as to furnish more labourers than there is capital enough in the colony to employ. This is a very proper principle; but the result of it is, that the number of paupers sent out bears no proportion, worth considering, to those who remain. There is another circumstance to be taken into consideration; and that is, that in agricultural parishes a greater number of labourers are required in summer than in winter; so that, if all those be sent away for whom there is no employment in the winter months, there will not remain a sufficient population to do the agricultural work of the country. What is, then, to be done with respect to those who cannot be employed in the winter? Ought the poor man to be forced to leave his home, and go into the workhouse, when he only needs relief for a portion of the year? It is said that this evil will correct itself; but I am not one of those who look upon the population of this country as a piece of machinery, devoid of passions or of feelings.

And what proves that, in this, I am right, is the fact, which has been already adverted to, of wages not having risen since the passing of the Poor Law Amendment Act. Take the case of a labouring man who has married, relying upon the provision made under the old system, and who has six children; the smallest sum upon which such a family could be supported for a week, allowing them five gallons of flour, and other necessaries in proportion, would be 15*s*. Now, from the circumstance which I have already mentioned, it will not be fair, in estimating the earnings of such a family, to go by the wages of any one week; but taking the whole year together, and supposing the average weekly earnings to be 12*s*., — which will be by no means a low estimate, — there remains a deficiency of between 7*l*. and 8*l*. a-year. This is the amount of the relief of which the industrious poor man finds himself suddenly deprived by the operation of the present Act. What has been the effect of the extreme suddenness with which this small assistance has been cut off? Why, for a time, families have run in debt; but when, at length, the shopkeeper, finding the relief stopped, refuses to give further credit, whole families are obliged either to go without the common necessaries of life, or to forsake their homes and enter the workhouse, when they merely require assistance for two months, or less, in a year. I certainly know instances in which families have preferred the former of these alternatives; and I do say that very great credit is due to them for the peaceable and quiet way in which they have struggled through with it.

The great mischief of the present system is, that it makes no difference between the industrious and the idle; although the want of such a distinction was the principal complaint against the old Poor Law. It is said to be right to make people act prudently, and look beforehand. But how does this argument apply to those who have depended, as they had a right to depend, upon the provisions of the former law? Are they to be forced to leave the homes in which they have dwelt for years, — from father to son, — and to which, humble as they are, they are attached? I cannot blame their attachment, — I respect such a feeling. I am glad they have it. Are they, then, by the provisions of this *ex post facto* law, to be forced into the workhouse,— which, perhaps, they may never be able to leave? I only wish to provide a remedy for these practical evils; and it is with this view that I intend to move an instruction to the committee, in order that, if my clause be not agreed to, some other may be framed for the same purpose. I move, "That it be an instruction to the committee, that they have power to introduce a clause authorising the boards of guardians to administer relief in certain cases."

Mr. F. MAULE. — I do not mean to detain the House, long, in detailing the reasons which induce me to oppose the introduction of this instruction; but I must, at the same time, express my satisfaction at the tone and manner in which it has been moved; and I hope the example of the Honourable Member will be followed. The instruction moved by the Honourable Member opens the whole question of the principle of the Poor Law Act. It affects, immediately, one of the main principles on which that law bears. But it is not the intention of the present Bill to interfere with the law as now established,—this Bill leaving that law in the same state as it is at present. Under these circumstances, I cannot consent to the introduction of an instruction which would open a main branch of the subject; which the question of out-door relief undoubtedly is. The question, doubtless, is one deserving of very great consideration. I think it possible that great improvement might be made in the present law in this respect, as well as with regard to the system of medical relief, and other points; but I think that the questions ought to be dealt with by one common Act, and not in this piecemeal manner; and I hope, therefore, that the House will not consent to the introduction of this instruction.

SIR E. KNATCHBULL.—I very much regret that a question of such great importance should be discussed in the absence of her Majesty's Ministers. I do not mean to deny that the Honourable Gentleman who has just spoken may be a fit representative of the department to which he belongs, but I cannot avoid saying— without, however, intending anything in the least degree invidious — that, on a great question of this kind, the actual Government of the country ought not to be absent. In the motion which has been submitted to the House by my Honourable Friend the Member for East Sussex, I fully concur. The question is, simply, neither more nor less than this: — are the boards of guardians to be intrusted with any discretionary power of giving out-door relief, or are they not? I perfectly well understand why this power was withheld when the Poor Law Amendment

Act was first introduced, and when the Government was, perhaps, justified in considering it necessary to pass a measure of an arbitrary kind. But that necessity—if so it may be called—no longer exists; and experience has shown, since, that this principle may be relaxed. I am of opinion that the general principle of the Poor Law Amendment Act has succeeded, and that it only requires certain modifications to render it less oppressive and more palatable to the country; but I am likewise of opinion, that those are the decided enemies of that Act, who resist these just and reasonable ameliorations. I will ask Honourable Gentlemen, who are conversant with the subject, whether cases are not constantly occurring, on which there can be no second opinion, as to the propriety of permitting the board of guardians to afford relief upon their own discretion? Nay, are not cases daily submitted to the poor law guardians, in which they take upon themselves the responsibility of giving relief contrary to the law? Nobody knows exactly how it is given,—but given it is. I, myself, not long since, questioned a poor law guardian on the subject of the administration of the Poor Law, who said to me, in reply, "Oh! it is the best Bill that Parliament has for a long time passed;" and, on asking him why he thought so — whether he found no difficulty in the provisions of the law, or in enforcing the order of the commissioners? — his answer was, "Oh! not the least difficulty about the provisions of the law, because we do not follow the directions of the commissioners. If we were to do so, it would not be possible to carry the measure into operation. The fact is, we modify the orders of the commissioners as we think right; for, otherwise, we could not get on." Now, if this be true, why should the Government refuse to affirm the practice, by making it the law? I believe it is known, too, that, in many instances in which out-door relief has been applied for under peculiar circumstances, the answer was, "We cannot give you relief, it is contrary to law; but we will give you a loan;"—well knowing, at the time, that the loan will never be repaid. Now, is this the way in which the provisions of a Bill ought to be carried out? The law, I contend, ought either to be enforced, or it ought to be changed and amended. I will just mention a case that comes within my own knowledge, in the county of Kent. In the depth of last winter, a man, having a wife and eleven children (only three of whom were employed), and who was, at the time, earning but 13*s.* 6*d.* a-week, received assistance, under the sanction of the board of guardians, to the amount of 1*l.* 13*s.* 2*d.* When the accounts were placed before the auditor, he refused to allow that sum, on the ground that it was unauthorised by the law; so that, although the board of guardians had made the order for that small sum of money, which they felt it their duty to do under the circumstances of the case, the commissioners decided that the relieving officer was not bound to pay it; and so it stood — a debt against the poor man. I will not enter into the general question of the law. I am prepared, upon these grounds, to support the motion of my Honourable and Learned Friend; and I earnestly hope, if he should be obliged to postpone it, that it will be fully discussed early next Session.

Mr. E. RICE. — Sir, it is my determination to support the instruction moved by the Honourable Member for Sussex; and my hope is, that it will not be postponed till the next Session. It is extremely advisable, I think, that the administration of the law should be rendered as uniform as possible. Although I believe that the orders of the commissioners are generally acted upon, yet, in consequence of the various interpretations which have been put upon the law itself in poor law unions, a different operation of the law takes place in various places. I will not pledge myself to support the specific clause of the Honourable Member for Sussex, because I think it better that out-door relief should be given under extraordinary circumstances, only; but I am decidedly of opinion that a discretionary power of giving out-door relief should be conferred upon the poor law guardians.

Mr. WODEHOUSE. — From the Report upon the table of the House, it appears that four fifths of the relief at present afforded under the Poor Law Act are in the nature of out-door relief; and, instead of that circumstance being a cause for regret, I regard it as a source of very great gratification; for it at once shows that the workhouses are not so generally resorted to as was the case heretofore, and that no one has a desire to resort to them, now, unless under a very pressing necessity. There is one thing, however, which I much regret; and that is, that there is now as much necessity, as when the Act was first introduced, for impressing upon the minds of the commissioners, and everybody connected with the administration of the Act, the principle of carrying it into

effect with as little a degree of pressure on the poor as possible. I shall therefore support the amendment of the Honourable Member for East Sussex.

Mr. BRISCOE. — I concur in much of what has been said by the Honourable Member for East Sussex. I cannot, however, vote for his clause at the present moment, because I firmly believe that the Poor Law Commissioners have full power, under the existing law, to carry into effect the provisions of that clause, and the wishes of the Honourable Member. According to my interpretation of the Poor Law Amendment Act, and to my conviction, this is so. The clause of the Honourable Member involves two propositions; — first, that relief shall be given out of the workhouse, to widows having families; and, secondly, to able-bodied persons who have married previous to the passing of the Act, and who are not able, by their industry, now to maintain their children. With reference to widows having families, I can state, from my own personal experience, that a great deal of hardship frequently occurs from relief not being afforded to them; but in three or four such cases, in which I have myself made application to the board of guardians, to obtain relief for widows having children, my applications have been complied with, and relief afforded. I believe that no case of unusual distress has ever been made out, nor any application made to the Poor Law Commissioners for a relaxation of the general rule, and for authority to the board of guardians to give relief under peculiar circumstances to able-bodied labourers with large families, unable to obtain work, in seasons of unusual severity, where the application has been refused. Believing, therefore, that the commissioners have already full power, with every disposition, to carry the object of this clause into effect, I shall—though agreeing in many of the statements made by the Honourable Gentleman — feel myself called on to vote against his instruction to the committee. I cannot sit down without saying that I particularly approve of relief being administered in some cases by way of loan. In a union with which I am connected, there have been no less than seventy cases of loan, in fifty-five of which the sums advanced have been faithfully repaid. The general principle for which I contend is this, — that every man should be able to live by his labour; but, on the other hand, no greater injury can be inflicted on the working classes, than making up their wages out of the poor-rate.

Mr. FRESHFIELD. — I wish to call the attention of my Honourable Friend to the peculiar position in which the House is now placed by the instruction he has moved. The Bill immediately under consideration is merely to continue the powers of the commissioners under the Poor Law Amendment Act for one year; and we are now going into the whole discussion of the administration of relief, and the principles by which it should be regulated. With all anxiety for a proper opportunity to discuss this question in all its bearings, without, at the same time, any prejudice against the Bill, — and, rather, with a sincere desire of seeing it carried into effect, as a great improvement of the old system, — but convinced that, in order to its successful administration, we should endeavour to relieve such parts as are more stringent than the necessity of the case requires, — I feel considerable difficulty as to the vote I shall give, and anxiously wish my Honourable Friend to consider whether it would not be more convenient to withdraw his proposition, altogether, for the present? It will, I contend, have the effect of narrowing what the Poor Law Committee have recommended to the House.

Mr. DARBY. — I cannot understand how it can have any such effect.

Mr. FRESHFIELD. — I maintain it will, — especially with respect to widows of labourers with large families, suddenly deprived of their husbands by some fatal accident. Nothing can be more cruel than to restrict all relief to the workhouse, except in those cases where the parties have been married before the passing of the Poor Law Amendment Act. This, I apprehend, would be the inevitable operation of such a clause; whereas the recommendation of the committee leaves relief open to widows with large families, at an early period after the death of their husbands, without reference to the precise date of the marriage. If driven to the necessity of voting, I shall reluctantly support the instruction. I have the strongest disinclination to appear to omit any opportunity of relaxing the undue severity of the law; at the same time, I am not sure that, by relaxing it in this instance, I shall be promoting the object of those who desire a full reconsideration of the Poor Law.

Mr. AGLIONBY. — I am a sincere and consistent friend of the Poor Law, although I was opposed to some of its enactments at the time it was introduced. I totally repudiate the assertion which has been made, to-day, by the Honourable Member for

Finsbury, — that it is a landlord's Bill, intended for the benefit of the landowner, and not of the receiver of the rate. On the contrary, I believe it has done much to ameliorate and improve the condition — both moral and social — of the poor in this country. No one is more disposed to admit that everybody is entitled to receive a full remuneration for his labour, than I am; but that would be the greatest curse with which this country could be afflicted, which, instead of leaving the labourer dependent on his own resources, should teach him to rely for assistance only on the hard earnings of his more industrious and scarcely more opulent neighbours. Such, I believe, was the effect of the old system; and, in this respect, the New Poor Law has produced a very great improvement. I am anxious that it should have a longer trial; and I shall support the instruction which has been moved, because I am convinced it will tend materially to conciliate public feeling in behalf of the measure. I believe there never was any Act of the Legislature which has been so unfairly treated. It has encountered the opposition of many in this House, and out of doors,—some acting on conscientious principles, and others from interested motives. It has been the unceasing object of attack with one of the most powerful organs of the public press; and even on the hustings it has not unfrequently been made a topic of party discussion, — a circumstance which all parties in this House cannot fail to regret, seeing that, at the time it was introduced, Whigs, Tories, and Radicals more unanimously concurred in its approval and support, than they have done with respect to other any measure within the range of my recollection. Still, I feel that a relaxation would be beneficial to the operation of the Bill. Nor is this the only relaxation which I wish to see adopted; but, as the Noble Lord (Lord J. Russell) has stated that it will be impossible, at this late period of the Session, to go into a discussion of the other amendments which are proposed, and which I hope will be brought forward at an early period next Session, I shall vote for this clause, as an instalment, and rest satisfied till I can get something more.

LORD J. RUSSELL.—If I could agree with the Honourable Member who has just spoken, that the adoption of this instruction would produce a beneficial alteration of the Act, I should be as ready to adopt it as that Honourable Gentleman; but, because I have very great doubts whether the introduction of the clause, in the manner proposed, would lead to any such result, — or whether, on the contrary, it would not lead to the breaking down of the improvements in the poor laws already effected, — I feel compelled to oppose it. I do not wish to argue upon the question respecting widows having families. It certainly has always been my opinion that widows having large families, suddenly deprived of their means of support, have peculiar claims to relief.

[Cries of "Hear, hear!"]

But, with regard to the question which has been so frequently discussed, of giving out-door relief to the able-bodied paupers, — without saying that it is impossible to devise some provision upon that subject, which would have the effect of this clause, — I must confess that I have never seen any provision on the subject, with which I was entirely satisfied. Let the House consider that one of the evils — I might call it the chief evil — under the ancient system, was this, — that, instead of the labourer receiving, in the shape of wages, remuneration for his labour, such as the independent labourer would receive, he received part of his wages from his employer, and the other part in the shape of alms from the parish. I think that any provision such as that proposed, which should go to maintain the family of the labourer, whether paid by the parish, or by the direction of the board of guardians, would, to a very great degree, make the labourer dependent on charity. Now, with respect to the county of Kent; it was stated, by the assistant commissioner, that there is a great disposition, in different districts and parishes, — a very natural disposition, I admit, — when the employers of labourers see a chance of having labourers of whom they are not in immediate need, in winter time, paid by funds derived from parish rates, to throw these labourers — who would otherwise be employed — out of employment, leaving them thus dependent on the rates, and enabling the employer to pay part of the wages of the labourer out of the parish funds. It is proposed to avoid the evil — which every one must see would be the immediate consequence of this — by making a distinction between those labourers who were married before the passing of the Poor Law Amendment Act, and those who have been married since. I will not say that the present Act does not operate with very considerable hardness upon those labourers who were encouraged to marry by the vicious administration of the former law; but at the same time, when Gentlemen say that

they wish to have a uniform system, they must recollect that there would be no uniformity in a system which would allow one labourer to receive a sum of money for the maintenance of his family, regularly paid by the parish, while his fellow labourer —his next door neighbour — would be refused any grant of relief, because he had happened to be married at a later period. I ask whether this would be uniformity? —whether, in truth, it would not, probably, in practice, lead to very great discontent? — and whether, when we should have endeavoured to make the Bill work satisfactorily, in the manner proposed by the amendment, others would not, again, say, that this amendment had not produced that content and satisfaction that was expected, — that we had drawn an inconvenient and unsatisfactory line of distinction, which must be removed, — and that we must place the labourer who has married since the passing of the Act on the same footing, and give him the same advantage, with those who have married before the passing of the Act? If we were to make that concession, — if we were to go that length, — let the House consider whether it would not be probable that many of the evils and abuses which the present Act was passed to remedy, would flow in upon us, and flow far more quickly than it would be possible to repress. There can be no doubt that the present Act is accompanied with very considerable severity. It was intended, when the Bill was first brought in, to enact that, on a certain day in June, 1835, all relief to able-bodied labourers should cease. This, it was found, would be too severe an enactment; and it was proposed to leave the commissioners a discretion as to the time at which they should carry this principle into effect. If we were now to go back so far as to give to boards of guardians the power that is proposed, respecting those labourers who were married before the passing of the Act, I do not believe that we should be able to maintain the distinction, or to prevent the recurrence of the evils and abuses of the old system. In saying this, I do not mean to intimate that I entertain any definite or determined opinion that some relaxation on this subject might not be introduced. I will not preclude myself from considering any suggestions that may hereafter be proposed for the amendment of the law; and I shall only say that I consider this amendment very dangerous, — and so dangerous that, in a Bill which is not professedly a Bill to amend the existing law, and which does not propose to go into the whole subject, I, for one, am not ready to adopt it, and shall, consequently, vote against the motion.

SIR J. GRAHAM. — I confess I feel considerable difficulty in making up my mind as to the course I shall pursue on this occasion; and if the Noble Lord had stated positively that he should be prepared to resist, next Session, any amendments which might be proposed, I should have voted against him. I willingly share with the Noble Lord the responsibility of this measure, because I am quite satisfied that, upon the whole, it has not been more beneficial to the ratepayers than to the independence of the labourer, and the encouragement of the industrious; while, at the same time, it secures to the really destitute those advantages of relief which were formerly enjoyed by the idle and vicious. At the same time, the working of the measure has established that, in certain particulars, it has borne with hardship on some meritorious classes. I particularly allude to that class which has been referred to by my Honourable and Learned Friend (Mr. Freshfield) — the class of widows left with large families, suddenly deprived of their husbands, not being themselves, perhaps, advanced in life, but struck to the earth by some unexpected blow. To compel such parties, at once, to remove from the cottage to the workhouse, when, by the grant of a little support for a short time, they might, by industry, be enabled to maintain their families in independence, would be cruel in the extreme. The practical working of the measure has also proved to me, that in times when provisions are high, — when the demand for labour is scarce, and the family of the applicant is large, — relief must occasionally, as in a special case, be given to the able-bodied man. I have been chairman of a board of guardians: I have seen the practical working of this measure,—having, for four years, watched it with the greatest possible anxiety. In the union with which I was connected, there was a large body of handloom weavers; and I do not hesitate to say, that, during the last winter, it would have been utterly impossible to have conducted the affairs of that union, without out-door relief, though sparingly administered, and with great caution, to the able-bodied labourer. The Noble Lord says, undoubtedly, what is most true, — that there is very great danger lest the administration of relief, even in such special circumstances, and in kind, should relapse into all the evils of the former system. The new law contemplated that, on a given day, the refusal of out-door relief throughout England and Wales

should be general; when the Commissioners at Somerset House came practically to consider the prudence of carrying out this regulation, the inquiries they had made and the experience they had acquired, taught them the impossibility of giving general effect to the law. What was the result? They are empowered, — even after the expiration of this term, — by a general rule, if approved by the Secretary of State, to give universal effect to their regulations. Have they done so with respect to out-door relief? They have adopted quite another course. As they have found it quite impossible to carry their general law into effect, so have they found it impossible to give general effect to this regulation. Uniformity is, no doubt, desirable. This rule, prohibiting the administration of out-door relief, so far from being general throughout England, has been, I must say, somewhat capriciously applied. It has been applied to certain unions in the South, but in the North the rule has not been in operation. In Cumberland, and the union of which I am chairman, we are bound by no such regulation. An ample discretion is left us; we are not fettered in the least; and if we had not been left to the exercise of this unfettered discretion, I am bound to say I should not have held myself responsible, during the last winter, for the conduct of that union. This is a most perplexing state of affairs. I do think that, if my Honourable Friend press this motion, my feelings will lead me to support it; but I foresee the necessity of bringing, at the very commencement of next Session, the whole of this question — and especially the Report of the committee, over which my Honourable Friend has presided with so much care and impartiality — under the careful consideration of the Legislature.

Upon the whole, with much hesitation, and after considerable doubts, I must make up my mind to support the Noble Lord. But, before I sit down, I beg to remark that, if the Noble Lord had said nothing to lead to the conclusion that directions would be given to the commissioners, during the ensuing winter, to relax somewhat of their strict and inflexible adherence to the rule against out-door relief, — a rule that has been enforced in a way which I must consider as a capricious exercise of the powers of the commissioners, — I should be, with some violence to my own feelings, compelled to vote against the Noble Lord; but the concluding part of the Noble Lord's speech leads me to think that the rule will not be strictly adhered to in all cases. I am quite satisfied that, in particular districts, and under peculiar circumstances, it will be found impossible to enforce this rule in its full extent; and as the Noble Lord is, according to my understanding of the latter part of his speech, prepared to admit that particular circumstances may arise, of such a nature as to make it expedient to bend the rule, — and as I think that the whole subject must speedily come under the attention of Parliament, — with much hesitation and reluctance I have come to the conclusion that it is my duty to vote with the Noble Lord.

LORD TEIGNMOUTH. — I should willingly have supported the motion, if it had been made earlier in the Session; but, as the case stands, no one can expect that we could sift the matter in a committee, point after point, as it ought to be sifted — before the close of the Session. If my Honourable Friend continue to press his motion to a division, I shall be compelled to give it a hearty negative.

Mr. BAINES. — Having been a member of the last Poor Law Committee, I must say I feel disposed to adopt the course of the Right Honourable Baronet (Sir J. Graham), under the influence of the same feelings. Trusting, therefore, that the rule will be relaxed in proper cases, I shall support the Noble Lord. In the manufacturing districts with which I am acquainted, it is quite impossible that we can, by any means, carry into effect the denial of all out-of-door relief. Circumstances occasionally occur, there, which throw 400 or 500 persons in a single parish, at once, out of employment. In such cases, can we enforce the rule? or are we prepared to build new workhouses sufficiently numerous to carry it out? But, in fact, the consequence of the impossibility of carrying out the rule in these districts has been, that, in many unions with which I am acquainted, no relief is withheld from the poor, which it is judged fitting and proper to administer under the circumstances of the case. For my own part, I must confess that the investigation which took place in the committee of which I speak, has wholly altered the view that I took, before I attended it, of the practical working of the Poor Law Amendment Act. After a very diligent investigation, I can say that I find it, upon the whole, to be a beneficial law towards the poor; and I may add, that if one half the pains had been taken to aggravate the public mind against any other object on which the public mind is capable of excitement,

— as, for instance, against power-looms, — which has been taken to aggravate it against the New Poor Law, the result would have been, that ere this not a power-loom would have been to be seen in the country. With the strongest disposition to support a modification of the law, I am inclined, on this occasion, to co-operate in the view taken by the Right Honourable Baronet, and to vote as he votes; but it must be with this qualification, — that I am in no way pledged, thereby, as to any course I may take in another Session of Parliament.

Mr. ACLAND. — I wish to say why I shall vote against the instruction of the Honourable Member for East Sussex. I shall so vote, because I consider the speech of the Noble Lord the Home Secretary as furnishing the best security against any improper use of this rule being made by the commissioners. With respect to the imputations which have been cast upon Honourable Members on this side of the House, of having dealt unfairly with respect to the Poor Law question for party purposes, I must say, that such imputations, to the best of my belief, are wholly undeserved; for no law ever enlisted a larger share of the exertions of men of all parties for the purpose of securing its efficient working. I believe that much of the dislike and opposition which are manifested towards it, arise from the peremptory orders of the commissioners having been, in some cases, too hastily and inconsiderately issued. The Wellington union furnishes an example of this. There, the chairman of the board of guardians — a reverend clergyman — resigned in consequence of the manner in which these peremptory orders were sent down; a second chairman has subsequently resigned for a similar reason; and the third and present chairman, who has for many years borne the title, in the country, of the poor man's justice, being a highly respected clergyman, is still discharging the duties of the situation, and, from a high sense of justice, is carrying out the orders of the commissioners. I cannot support the motion of the Honourable Member for East Sussex, because I can conceive that it might be found to interfere so far with the arrangements of the commissioners as to create great inconvenience. It is on this ground, and on the credit of the Noble Lord's speech, — believing that the rule against out-door relief will be mildly administered during the ensuing winter, — that I shall vote against the clause.

Mr. EASTHOPE. — I shall support this motion; and in avowing that determination, I am anxious to state, that one reason for my doing so is, that if there appear to be any inequality or partiality, it will operate as a spur to bring forward a discussion on the whole question at the earliest possible moment, in order that such inequality or partiality may be also relieved. Every step we go in this discussion must, I think, make every Honourable Member lament that there is not more time afforded us, and better opportunity for a more full and serious consideration of the subject. I cannot omit to state my very great satisfaction at what the Honourable Member for Dover has represented, namely, that 15*s.* a-week is the average wages of agricultural labourers in the county of Kent. I am, however, sorry to be compelled to state that that is not the average in other parts of the country. In the town of Leicester, where men were formerly in the habit of obtaining 20*s.* a-week, I believe the poor artisan is now doomed to work very hard for a period of ten, twelve, and fourteen hours a-day, for very little more than 10*s.* a-week, and sometimes even for less. I hope that Honourable Members will feel, when next the question of the corn laws shall be brought under the consideration of Parliament, that this and similar facts have an important bearing on that question.

Mr. PAKINGTON. — I think it a very objectionable proceeding, that a question of this important kind should be brought forward on a Saturday morning, when the thin attendance of Honourable Members will not allow of that full discussion which is its due. With reference to the cases of widows with large families, to which allusion has been made, the commissioners, I believe, have never issued any order to send a widow with a large family into a workhouse; and I believe they never would issue such an order. I fully feel that no class of persons are placed in a situation more truly pitiable, than are poor widows with many children. An able-bodied woman may, possibly, be enabled to support herself and one child; but to expect a woman, however able-bodied, to do what able-bodied men sometimes find it impossible to do, — namely, to support a large family of children, — is quite out of the question. Looking to the clause, then, as to whether or not the proposed exemption should be extended to the case of labourers who were married before the passing of the Poor Law, a fear has been expressed by the Right Honourable Baronet (Sir J. Graham), that if that principle were conceded, it would lead to a relapse into the old system. But I have

no fear of such a result. The distinction as to bastards—between those born before the passing of the Poor Law Amendment Act, and those born subsequently — is a very proper and tangible distinction; and I can see no danger in extending the principle to the case of marriages, making a distinction between those which took place before, and those which may have taken place since, the passing of the Act. With some reluctance, however, it is, that I have made up my mind to support the clause; but I beg that, in doing so, I may be distinctly understood as being favourable to the principle of not extending relief to able-bodied labourers out of the workhouse. In fact, I consider this to be the main principle of the Poor Law, and to involve the questions of whether the British labourer shall be independent? and whether the wages of an able-bodied man shall be sufficient for his subsistence? Closely connected with this question of withholding relief from the able-bodied labourer out of the house, is a remark of the Honourable Member for Finsbury, whom I much regret to hear using such language as he has employed this morning. I believe that the Honourable Member is actuated by motives of benevolence; but I do very much regret that the Honourable Member should have been led by those feelings to commit so great an error —which it certainly was — as to say that the Poor Law was passed with a view to elevate the master rather than the labourer. I deeply regretted to hear such a sentiment from any Honourable Member of this House, — more especially in times like the present. What was the case of the labourer before the Poor Law passed? His independence was gone; his moral feeling was gone; and he had no longer any incentive to industry: and it is only by maintaining that law, now, that we can hope to raise the rate of wages, and to restore the labourer to his former state of independence and comfort. I was very sorry, too, to hear from the Honourable Member for North Devonshire, that an industrious artisan could only earn 7*s.* a-week there. It is, evidently, not possible to maintain a family on that pittance. I believe, however, that the state of the district to which the Honourable Member referred is not general in this country. I think the exception which this clause proposes is a very proper one, and therefore I shall support the motion.

Mr. L. HODGES. — If the Honourable Member for East Sussex carry his motion to a division, I shall certainly vote with him. I would beg leave to suggest to the Noble Lord, that the new poor law auditors have received such stringent instructions from the commissioners, that it is quite impossible for them to depart from them, so as to admit of any material relaxation of the rule as to out-of-door relief. It will therefore, I apprehend, be necessary to review the orders sent to the auditors in certain parts of the country. With respect to the question of wages, I believe that 12*s.* a-week is more near the average, throughout the country, than 15*s.*, as has been stated by some Honourable Gentlemen.

SIR B. HALL. — There can be no doubt that the whole of this subject must come under the attention of the House, and of every Gentlemen in it, at an early period in the next Session. I do not understand with the Right Honourable Baronet (Sir J. Graham), that what has been stated by him is likely to occur. The Right Honourable Gentleman has said that he believes some relaxation will be made in the strictness of the rule against out-door relief during the ensuing winter. I think it is very desirable that there should be no doubt as to the intentions of her Majesty's Government in this respect; because, from the present state of the money market and of trade, it is very likely that the pressure in the winter will be very great. But I did not understand, from the Noble Lord's speech, that any relaxation of this kind was promised. It would be very satisfactory to the House, and to the country, that we should have the Noble Lord's assurance on the subject. I think, with the Honourable Member opposite (Mr. Pakington), that it was very objectionable to bring forward the discussion upon this Bill on a Saturday. I believe that several other amendments are to be moved, upon many of which divisions will take place. With respect to the question of wages, it was expected that the New Poor Law would raise the rate of wages; but my experience has not justified that anticipation. In the county of Monmouth, and in another county with which I am connected, agricultural wages are just what they were before the passing of the Poor Law Amendment Act. I am very anxious to know whether it be the intention of the Noble Lord to intimate that suggestions will be addressed to the commissioners to relax the rule in the cases which have been referred to by the Honourable Member for East Sussex, and in cases of severe distress?

Mr. DARBY.—The tone and substance of the discussion, this day, convince me

that I was justified in bringing forward my motion; and I must say I should have been very sorry to have brought forward one which had proved offensive to the House. I have not, however, mooted this question without great deliberation, and after communication with the Noble Lord, with a view of getting the object of my motion effected, at once, by the Government. On finding that the Government were not willing to do anything in it, — for which I do not blame them, — I conceived it to be my duty to bring the matter before the House.

The House then divided: — Ayes 69; Noes 46; — Majority 23.

AYES.

Aglionby, H. A.	Hodgson, R.
Attwood, W.	Hope, Hon. C.
Attwood, T.	Irton, S.
Baring, H. B.	Kemble, H.
Barrington, Lord Visct.	Knatchbull, Rt. Hon. Sir E.
Broadley, H.	Langdale, Hon. C.
Brocklehurst, J.	Liddell, Hon. H. T.
Brotherton, J.	Lowther, J. H.
Bruges, W. H. L.	Lygon, Hon. General
Buck, L. W.	Morris, D.
Buller, Sir J. Y.	Packe, C. W.
Callaghan, Daniel	Parker, R. T.
Cochrane, Sir T. J.	Perceval, Hon. G. J.
Collins, W.	Philips, M.
D'Israeli, B.	Pryme, G.
Douglas, Sir C. E.	Rice, E. R.
Duncombe, T.	Round, J.
Easthope, J.	Rumbold, C. E.
Eastnor, Lord Visct.	Rushbrooke, Colonel
Egerton, W. T.	Scarlett, Hon. J. Y.
Elliot, Lord	Scholefield, J.
Ellis, W.	Sheppard, T.
Euston, Earl of	Sibthorp, Colonel
Fielden, J.	Somerset, Lord G.
Finch, F.	Stuart, Lord J.
Fleetwood, Sir P. H.	Turner, W.
Freshfield, J. W.	Vigors, N. A.
Gaskell, J. M.	Walker, R.
Gordon, Hon. Captain	Williams, W.
Grimsditch, T.	Wodehouse, E.
Hall, Sir B.	Wood, Colonel T.
Hawkes, T.	Worsley, Lord
Heathcoat, J.	
Henniker, Lord	
Hindley, C.	*Tellers.*
Hodges, T. L.	Darby, G.
Hodgson, F.	Pakington, J. S.

NOES.

Acland, T. D.	Hawes, B.
Adam, Admiral	Hill, Lord A. M. C.
Baines, E.	Hobhouse, Right Hon. Sir J.
Barnard, E. G.	Hoskins, K.
Barry, G. S.	Howard, P. H.
Bridgeman, H.	Loch, J.
Briscoe, J. I.	Macaulay, T. B.
Campbell, Sir J.	Macleod, R.
Craig, W. G.	Morpeth, Lord Visct.
Elliot, Hon. J. E.	O'Connell, John
Evans, W.	O'Connell, M. J.
Fitzroy, Lord C.	O'Ferrall, R. M.
Gordon, R.	Parker, J.
Graham, Rt. Hn. Sir J.	Pendarves, E. W. W.
	Pigot, D. R.
	Pinney, W.
	Price, Sir R.
	Redington, T. N.
	Rich, H.
	Russell, Lord J.
	Sanford, E. A.
	Seymour, Lord
	Sheil, R. L.
	Smith, R. V.
	Stock, Dr.
	Strutt, E.
	Teignmouth, Lord
	Thornely, T.
	Troubridge, Sir E. T.
	Wall, C. B.
	Wilbraham, G.
	Wood, G. W.
	Tellers.
	Maule, Hon. Fox
	Stanley, Hon. E. J.

LORD J. RUSSELL.—Sir, the carrying a clause of this kind, as an instruction to the committee, is a matter of such importance, that I do not feel justified in deciding upon what course I shall be prepared to pursue, without further consideration. I will therefore fix the committee for Monday next.

Mr. DARBY. — Will the Noble Lord go on with the Bill on Monday, supposing that he decides upon going on with it at all?

LORD J. RUSSELL.—I shall be prepared to state, on Monday, whether it is the intention of the Government to proceed with the Bill, or not.

The committee was then deferred till Monday next.

FACTORIES BILL.

On the motion of Mr. FOX MAULE, the House resolved into committee, *pro formâ*, on this Bill; certain amendments made.

SIR J. GRAHAM. — I would suggest to the Honourable Gentleman, the Under Secretary of State, the propriety of circulating the reprint of this Bill in the districts where the parties reside who will be affected by it, before the Report is brought up. But if this be done, I think there will be hardly time remaining to give a chance of a full discussion during the present Session.

Mr. FOX MAULE.—It is my own impression, that the parties ought to have time to see the Bill in its amended form; but I am placed in a somewhat difficult position; — if I proceed with the Bill, I am open to the charge of taking the parties interested by surprise; and if, on the other hand, I allow of any delay, I incur the wrath of the Noble Lord the Member for Dorset. Therefore, I feel a difficulty in deciding upon the course I ought to adopt.

Mr. W. T. EGERTON. — It would be most unfair that the silk manufacturers should be brought under the operation of this Bill all at once, without its having been first submitted to their consideration.

Mr. FOX MAULE. — The Honourable Member must see that this Bill will be a great improvement on the present law; and I believe, as regards the silk manufacturers, they are tolerably well agreed among themselves as to the propriety of carrying out this Bill, with the amendments.

Mr. W. T. EGERTON.—The silk manufacturers have been altogether exempt from the operation of the Factories Bill, hitherto; and to bring them all at once under the operation of this Bill, without allowing them an opportunity of considering how they may be affected by it, seems to me to be scarcely just.

Mr. BAINES. — It is, in my opinion, far more desirable that the Bill should be suffered to stand over to another Session, —when we may discuss it with more deliberation than it is possible to give to it now. I am persuaded that this legislation, which is to be final, will give satisfaction to no party. I think nothing could be more satisfactory than for my Honourable Friend to defer the Bill till the next Session of Parliament: this could do no harm, as there is already a Bill in operation for all the important purposes he wishes to promote.

LORD G. SOMERSET. — I must beg, on behalf of my Noble Friend the Member for Dorset, who is not now present, to state, that the impression on his mind, from the conversation that passed yesterday, was, that the proceedings of to-day would be merely formal. I trust, therefore, that nothing will be done to prejudice the fair discussion of the Bill this Session.

SIR J. GRAHAM.—I think that there should be an opportunity afforded to the manufacturers in remote parts of the country to consider this Bill, as amended, and to give their opinions upon it. If the Bill were printed by Monday or Tuesday, and distributed, it would not be possible to take it into consideration—giving time for communicating with the parties interested — before Monday se'nnight. It will then be for her Majesty's Ministers to consider whether, at so late a period as that, this measure ought to be passed through Parliament in the present Session? I have no wish to prejudice the proceedings of the Government; but I think it may well be a matter of question with them, whether a measure so important can properly be proceeded with at this time? At all events, it should not be passed through another stage, without the manufacturers in the distant parts of the country having the opportunity of considering it.

Mr. FOX MAULE. — I certainly think it advisable that the Bill should be proceeded with this Session. The manufacturers, generally, are as anxious as any parties for a Bill laying down the law clearly; and, from the opinions I have heard from them respecting this Bill, I believe they, generally, do not object to it. I think, therefore, that we shall be quite justified in legislating on the measure during the present Session. With regard to the introduction of silk and lace manufactories into the Bill, that is an amendment which the Noble Lord the Member for Dorsetshire has proposed. I conceive, however, that it might be, perhaps, better to postpone the operation of the Bill, so far as those factories are concerned, till next Session; because, hitherto, those branches of manufacture have not been included in the Factories Bill. But, with regard to the others, I think this Bill ought to be proceeded with; and I should hope that the House will be in a condition to go on with the Bill on Thursday next, or, at all events, on the Monday following.

The House resumed; Bill reported; further consideration of Report on Thursday next; Bill, as amended, to be printed.

HIGHWAYS (No. 2.) BILL.

Considered in committee; to be reported on Monday next.

CONSTABULARY FORCE (IRELAND) (SALARIES AND EXPENSES).

In committee.

Resolved, 1. "That the salaries of the officers and men, and the other expenses of the Constabulary Reserve Force in Ireland, shall be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

2. "That the Lord Lieutenant of Ireland be empowered to grant an annual salary of 1200*l.* (in lieu of the salary now

fixed by law) to the present senior deputy inspector general of the constabulary force in Ireland."

Resolutions to be reported on Monday next.

ASSAULTS (IRELAND) BILL.—SHEEP-STEALERS (IRELAND) BILL.—SALE OF SPIRITS (IRELAND) BILL.—JURORS AND JURIES (IRELAND) BILL.—EXCISE LICENCES (SALE OF SPIRITS) BILL.

Severally read a second time, and committed for Monday next.

UNLAWFUL OATHS (IRELAND) BILL.

Reported; to be read a third time on Monday next.

TIMBER SHIPS BILL.

Read a third time, and passed.

REGISTRATION (COURT OF APPEAL) BILL.

Committee deferred till Monday next.

METROPOLITAN POLICE COURTS BILL.

Committee deferred till Thursday next.

POOR RATES COLLECTION.

On the motion of Mr. FOX MAULE, Bill, "to provide for the more effectual Collection of Rates for the Relief of the Poor," ordered to be brought in by Lord JOHN RUSSELL and Mr. FOX MAULE.

DUBLIN POLICE.

Bill, "to make further Provisions relating to the Police in the District of Dublin Metropolis," presented, and read a first time; to be read a second time on Thursday next, and to be printed.

BANK OF IRELAND.

Acts read; committee to consider the said Acts on Wednesday next.

POOR LAW AMENDMENT ACT.

Petitions for alteration, — from Sampford Arundell; and York. — To lie on the table.

Adjourned at five o'clock.

HOUSE OF LORDS, LUNÆ, 22° DIE JULII, 1839.

APPEALS.

Wilson *v.* Tait. — Further and fully heard, and consideration adjourned to Thursday next.

Stewart *v.* Gloag. — In part heard, and adjourned till to-morrow.

Munro (or Ross) *v.* Paul. — Adjourned to Thursday next.

Reid *v.* Baxter. — Petition of the respondent for leave to lodge cases, read, and referred to the Appeal Committee.

Barry (pauper) *v.* Waddell. — Consideration of the cause (which stood appointed for this day) put off till to-morrow.

RUSSELL'S ESTATE BILL.

Reported, with amendments; and Bill to be ingrossed.

MARQUESS OF CHOLMONDELEY'S ESTATE BILL.

Returned from the Commons, agreed to.

AIRTH PEERAGE.

The MARQUESS of LONDONDERRY presented a petition from Nicholas Dennithorne Bishop, of Cross Deep Lodge, Twickenham, in the county of Middlesex, Esquire, and Mary Eleanor Bishop, his wife, and also of the said Nicholas Dennithorne Bishop, as the next friend and on behalf of James Bogle Denton Graham Matthews, an infant, and a ward of the High Court of Chancery, praying that they may be heard on behalf of themselves and the said James Bogle Denton Graham Matthews, by their counsel and agents, before their Lordships, against the claim of Robert Barclay Allardice; and that his said claim may not be reported on during the present Session, or that the petitioners' rights, claims, and privileges, and the rights, claims, and privileges of the said James Bogle Denton Graham Matthews, may be protected and preserved, in such other manner as their Lordships may think fit. — Read, and ordered that the petitioners be allowed to appear by their counsel and agents in support of their interests in the said dignity; and the petition referred to the Committee for Privileges.

EARL OF LUCAN'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges to meet on Tuesday, the 30th instant.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO ADDRESS OF FRIDAY LAST.

Reported.

NOTTINGHAM SMALL DEBTS BILL. — NEWARK SMALL DEBTS BILL. — ROTHERHAM SMALL DEBTS BILL. — ABERFORD SMALL DEBTS BILL. — HATFIELD SMALL DEBTS BILL. — WARRINGTON SMALL DEBTS BILL.

Brought from the Commons, and read a first time.

NORWICH IMPROVEMENT BILL.

Petition praying to be heard by counsel in support of the Bill, — of R. J. Harvey, John Harvey, John Humphrey, Samuel Bignold, and William Newton, being owners of estates in the county of the city of Norwich. — Read, and referred to the Standing Orders Committee, with

leave to the petitioners to be heard by their agents.

TIMBER SHIPS BILL.—CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

Brought from the Commons; read a first time, and to be printed.

TURNPIKE ACTS CONTINUANCE BILL.

Returned from the Commons, with the amendments agreed to.

ASSESSED TAXES COMPOSITION, &c. BILL.

Brought from the Commons, and read a first time.

OLDHAM SMALL DEBTS BILL. — GRANTHAM SMALL DEBTS BILL. — ROCHDALE SMALL DEBTS BILL. — ECKINGTON SMALL DEBTS BILL.— GLOSSOP SMALL DEBTS BILL. — CHESTERFIELD SMALL DEBTS BILL. — WIRKSWORTH SMALL DEBTS BILL. — BELPER SMALL DEBTS BILL.

Brought from the Commons, and read a first time.

PONTEFRACT HONOR COURT BILL. — SHIP PROPELLER COMPANY BILL.

Returned from the Commons, with the amendments agreed to.

RIOTS AT BIRMINGHAM.

The DUKE of WELLINGTON.—Seeing the Noble Viscount (Viscount Melbourne) in his place, I beg to ask him whether or not — when he stated to the House, on Thursday last, that the conduct of the magistrates of Birmingham, in reference to the riots that have taken place there, was to be inquired into — he was in possession of any information respecting a letter from Mr. Hebbert, who had written to the Secretary of State for the Home Department, on behalf of certain inhabitants of Birmingham?

VISCOUNT MELBOURNE. — No; I had received no information.

The DUKE of WELLINGTON. — You were not aware of it?

VISCOUNT MELBOURNE. — No.

The DUKE of WELLINGTON. — Then, perhaps, it will be necessary for me to call the attention of your Lordships again to the subject, in consequence of the manner in which I have been misrepresented in another place, and out of doors, in reference to what I stated to the House last week. I have been accused of exaggeration. That may be a parliamentary phrase; — I will not presume to decide that it is an unparliamentary term; — but I believe that it is a term not much used among gentlemen:—it has been employed, however, in a privileged place, that must be nameless, — and I shall advert to it no further than to notice the conclusions which may be drawn from the use of such a term in reference to what I did say. I trust your Lordships will excuse me for troubling you for a few moments upon this subject, — because I really think I have been most unjustifiably made the subject of a personal attack for what I stated in this your Lordships' House, with respect to the late riots at Birmingham. What I stated, my Lords, was founded on the same species of information which, it appears, was in the possession of her Majesty's Government; for neither the Noble Viscount, nor any other of the Noble Lords opposite, knew any more of the subject than I did: they knew nothing beyond what they had seen in the newspapers; and I stated, at the time, that I knew nothing beyond that, myself, with regard to the facts. But I compared the transactions at Birmingham with certain other transactions, — of which, certainly, I have more knowledge than most other Noble Lords in this House,—matters upon which I had a certain and positive knowledge; and I said — (and I firmly believe that it was correct, — and that, in making the comparison, I did not, in the least degree, depart from the truth), — that the peaceable inhabitants of the town of Birmingham were worse treated, upon that occasion, than the inhabitants of any town I had ever known or seen taken by assault. This is what I asserted; and it is the fact, according to my opinion. I will tell your Lordships why it is the fact. In the first place, the town was plundered, — the houses were plundered; secondly, four houses were stripped, and set on fire; and, thirdly, the houses were

gutted;—this is a term which, perhaps, many of your Lordships do not understand; but I explained what I meant by it on the first occasion I used it;—the furniture was taken out of the house by the mob, and placed in the middle of the street, and there destroyed by fire; and then the burning embers were carried into the houses, or thrust under doors, in order to complete the work of destruction. These are the facts upon which I grounded the comparison I made; and I will now state and affirm again, that I have never known a town taken by storm—(and I have seen a town taken by storm)—so treated as the accounts from Birmingham allege that that town has been treated. So much, then, for my exaggeration. Exaggeration? Yes; this is the term which has been applied to my statement. I am the person charged with exaggeration, for having made that comparison. I cannot help thinking that it is most extraordinary that, in the year 1839, after nine years of liberal government,—after nine years' enjoyment of the blessings of liberal government,—your Lordships should be discussing whether or not the amount of destruction completed within a peaceful town in her Majesty's dominions is equal to the mischief done to a town which is taken by storm. And yet this has been clearly demonstrated to be the case. It is clear, my Lords, that, in peaceful, happy England, which carried on a war for twenty-two years, and which made the most extraordinary efforts to maintain that war, as she did, with circumstances of glory and success attending her arms in all parts of the world,—in order to avoid, as it was hoped, these miseries, and so that no such disasters as these might ever approach her shores,—in this same happy and peaceful England, after nine years of liberal government, here is a town plundered, and its peace destroyed; and yet I am accused of exaggeration, because I say I never knew any town, taken by storm, to be so ill-used as this fine town has been. I confess I am not at all surprised, however, at the conduct of the Noble Lord who so liberally applied the term "exaggeration" to what I said, when I reflect who are the followers and supporters of that Noble Lord.

But I am now about to call the attention of your Lordships to certain documents connected with this subject. I beg your Lordships to recollect that the town of Birmingham, in the course of last year, had a charter granted to it by the Noble Viscount's Government. After the grant of the charter, the Noble Viscount thought proper to go a little further, and made a grant to the corporation of what is called a quarter sessions and a bench of justices. Now, this grant was made in January last, and I request your Lordships to recollect the date. It is well known that, at that very time, the people called "Chartists" were moving through the country. Arms were purchased by them,—pikes and all sorts of dangerous weapons were in the course of being manufactured,—and there was a good deal of terror and alarm pervading the country with respect to these bodies of Chartists. The Government at that time exhibited some intention of going the extent—as I have already stated—of granting Birmingham a court of quarter sessions. At that period a large number of gentlemen residing at Birmingham, presented a memorial or Address to her Majesty,—in which, among other things, it was stated that the Government had been pleased, under the authority of an Act of Parliament passed in the 6th year of the reign of his late Majesty King William IV., to grant a charter of incorporation to that town; that, in pursuance of the provision of the said charter, an election of town councillors for the different wards had recently taken place, in the course of which much asperity and party feeling had been manifested; that the election had terminated in the return of persons of extreme political opinions, to the exclusion of all persons of moderate principle; that the memorialists were informed that it was further intended to form a quarter sessions in Birmingham, and to do away with the jurisdiction of the county magistrates within the borough. The memorialists represented that the administration of justice had hitherto been intrusted to justices of the peace for the county of Warwick, of whom there were eighteen gentlemen of all political opinions, all residing within the distance required by the Municipal Act, and who had been selected from men of the best reputation,—being, in short, persons who were most worthy of the confidence of the inhabitants. These gentlemen had been found most amply sufficient for the proper administration of justice. The petitioners most humbly represented, moreover, that it was most important to keep the administration of justice free from every imputation of party bias, particularly in a town large and populous like Birmingham, where manifestations of public feeling had frequently been carried to a lamentable extent. They therefore prayed that the royal prerogative might be exercised, in the appointment of justices of the peace for the borough from among those only, who, at that time, discharged the duties of justices of the

peace for the county of Warwick. This memorial was presented immediately after the grant of the charter, and the Noble Viscount had these statements before him. Still the Government thought proper to advise the appointment of a great number of magistrates, three or four of whom, only, had been magistrates before, — the majority having been selected or recommended by the town council. My Lords, I will refrain from animadverting on the recent conduct of the Birmingham magistrates; I speak only of the conduct of the Noble Viscount. I enter not into the question, now, whether the magistrates have acted rightly or wrongly on the occasion alluded to; but it will appear that the magistrates were appointed contrary to a clause in the Act of Parliament. The recent disastrous affair happened on the 15th; and on the 16th, Mr. Hebbert, a gentleman of Birmingham, forwarded a memorial from the inhabitants, in the following terms: —

To the Right Honourable Lord John Russell, Secretary of State for the Home Department.

We, the undersigned inhabitants of the borough of Birmingham, and chiefly resident or having property in High Street and the Bullring, in the said borough, beg to represent to your Lordship, that, from about half past eight to a quarter to ten o'clock last night, Monday, the 15th of July, the property and lives of your memorialists were left, unprotected, to the violence of an organised mob, although full and authenticated information had been early given to the mayor and magistrates of the borough, of the intentions and plans of the rioters. Your memorialists, therefore, feeling that the mayor and magistrates have been guilty of a gross dereliction of their duty, request your Lordship forthwith to institute such proceedings as are necessary for bringing them to trial for their misconduct; and that you will, in the mean time, suspend them from any further control or interference in protecting the lives of your memorialists and their fellow townsmen, and in preserving the peace of the borough.

On the 17th, the following letter was written in reply to the memorialists: —

Whitehall, July 17. 1839.

Sir, — I am directed by Lord John Russell to acknowledge the receipt of your letter of the 16th instant, transmitting a memorial from certain inhabitants of Birmingham, complaining that "their lives and property were left, unprotected, to the violence of an organised mob, although full and authentic information had been early given to the mayor and magistrates of the borough of the intentions and plans of the rioters," and to request the memorialists will transmit to his Lordship any evidence or proof in their power to show that previous information was given to the magistrates of the intentions of the rioters.

I am, Sir, your obedient servant,
S. M. Phillips.

J. B. Hebbert, Esq., Temple Street, Birmingham.

The Noble Viscount has said that he had no knowledge of these matters. From these letters, it is obvious that the intention on the part of the Government, to inquire into these unfortunate affairs, was dependent on the answer which they might receive from the memorialists, in reply to the letter which was written under the direction of the Home Secretary, with respect to the knowledge they had obtained that the magistrates had full notice of the intentions of the rioters. I will now draw your Lordships' attention to the answer of the memorialists, because that answer shows what sort of confidence in the Government exists in the place where these unfortunate occurrences have taken place. In answer to the letter from the Home Office, these gentlemen, the memorialists of Birmingham, write as follows: — The letter is dated, —

Temple Street, Birmingham,
July 18. 1839.

My Lord, — I have the honour, on behalf of the gentlemen who signed the memorial which I had the honour of transmitting to your Lordship last Tuesday night, to acknowledge the receipt of a letter from your secretary, dated the 17th instant, and to express their gratification at finding, from the report of the proceedings in the House of Commons last night, that your Lordship is of opinion that the single acknowledged fact of the property of the inhabitants of the town having been left unprotected for upwards of an hour and a half on Monday night, is, of itself, sufficient to make an inquiry into the conduct of the magistrates absolutely necessary. When the inquiry takes place, the memorialists will be prepared to adduce the fullest evidence in support of their own charges against the town authorities; but they cannot but remember that, when, on a former occasion, other of their fellow-townsmen thought fit to represent to your Lordship the disgraceful conduct of the civil and military authorities, your Lordship submitted those representations to the parties accused, and received from them personal explanations, with which your Lordship professed to be satisfied, without communicating to the complainants the answers which you so received. The only result of what was then supposed to be a discharge of public duty, was a censure from your Lordship; and, in one instance at least, a challenge to fight a duel from one of the persons whose conduct had been impugned, sent to a most respectable inhabitant of the town, who joined in that representation. Under these circumstances, therefore, your Lordship will not be surprised if the memorialists respectfully decline to make any private communication to the Home Office; at the same time that they reiterate their readiness to adduce the fullest proofs of the truth and justice of their charge before any legally constituted tribunal,—and when they can do so with safety to themselves, and the confidence that it will not be done in vain.

I have the honour to be, my Lord, your Lordship's most obedient servant,
John B. Hebbert.

To the Right Honourable Lord John Russell.

Now, upon the course which is here alluded to, I shall make no observation; as it appears that, in the present

case, we are to have an inquiry, — at which time the whole matter will be brought under consideration. But, my Lords, I must say, that, certainly, the paper I have just read shows that, even though this letter of the 17th had been written, no one in Birmingham felt assured that inquiry would be made. And what was the reason of this want of assurance? Why, the conduct of the Government on a former occasion, to which allusion is made in Mr. Hebbert's letter. I will not advert to what is said in that letter as to this extraordinary mode of conducting business; but I must say that these proceedings — that the calling for the evidence which gentlemen might collect, for the purpose of substantiating a charge against the magistrates for neglect of duty, and then turning round upon them when it was communicated, and, instead of proceeding in the Court of Queen's Bench, or before the assizes at Warwick, against the persons complained of, for having been guilty of corrupt and improper conduct and neglect of duty, communicating the information received by the Government to the very parties accused — these things did give to one party a most unfair advantage, and tend to excite private revenge and other evil consequences. My Lords, these remarks, again, may be called "exaggerated," — I may again be charged with exaggeration; — but here are the papers which prove that the same course of which I now complain has been pursued by the Government on a former occasion. And what must be the consequence of their communicating to the accused the information furnished to the Government by the accusers? In point of fact it must be, that a magistrate who may misconduct himself will be exempt from punishment, unless the Government consent to become a party to the prosecution; for, if the course complained of by the gentlemen of Birmingham were followed on other occasions, no private individual would ever come forward to complain of the conduct of any public authority, however grossly unjust that conduct might be. Now, my Lords, I apprehend that, according to the law of England, any individual is at liberty to complain of the conduct of a magistrate, and to proceed against him in a court of law. No one has ever doubted that, in this country, every individual has a right so to complain of, and to proceed against, the magistrates, when the magistrates misconduct themselves. It is in accordance only with the *Code Napoléon*, — with the code of laws of that high priest of liberalism, the Emperor Napoleon, — that the consent of the Council of State should be given, before a justice misconducting himself can be tried and punished. Hitherto, in this happy country, the practice and the law have been different on that head; and I hope we shall hear no more of such proceedings. But follow out the system laid down in the letter from the Home Office, and the result will be, that no man, particularly if he have to complain of the conduct of a magistrate — will, without the consent of the Home Secretary, go into a court of justice to obtain redress. My Lords, to such a course I trust I shall see some check put, before it is further established by precedent. I shall refrain from any further observations upon this matter at present; and I will now ask the Noble Viscount whether there is any objection to the production of the documents I have read? — as I conceive it to be necessary that these papers should be laid before your Lordships.

VISCOUNT MELBOURNE. — I am not precisely aware whether the Noble Duke, in the observations with which he commenced, meant to advert to what has passed in another place, or to what occurred on a former occasion, here, in your Lordships' House. Of this, however, I am perfectly assured, — that in whatever comments have been made upon the remarks of the Noble Duke, — in whatever observations have been adduced by my Noble Friend in the other House of Parliament, — there was no intention to impute to the Noble Duke anything improper or unjust. There was, I am sure, no intention, on the part of my Noble Friend, to give offence to the Noble Duke, any more than there was on my own part, when I observed in this House, at the time, that the Noble Duke saw the matter in an exaggerated point of view. The Noble Duke complains of the word "exaggeration;" and, unwilling as I am to revive the argument on this unfortunate affair, — unwilling as I am to urge anything which might irritate or offend, — I cannot help stating that there was no real offence in the arguments of my Noble Friend, and that no offence can fairly be inferred from them. I will ask whether the word complained of is not one of the mildest and most common expressions used, to imply that a strong view has been taken of any matter? I will not go back to examine with what propriety I, myself, used the word "exaggeration;" but certain I am, that if the observations of the Noble Duke were not exaggerations of the subject to which he alluded, then must war be a much milder affair than I have hitherto imagined. The Noble Duke says, that it is an unfortunate and melancholy consideration, that, in the midst of profound

peace, we should be called upon to discuss questions of this kind; and that occurrences, such as those which have happened at Birmingham, should thus be forced upon our notice. I perfectly admit the truth of this observation; but I fear that a season of profound peace, and while a country is in a prosperous and flourishing condition, — that such a period of its history will not be found to be always remarkable for domestic tranquillity. On the contrary, I much doubt whether that is not the very interval in which domestic disturbances are most likely to occur. I scarcely know what charge the Noble Duke intends to bring against the Government, with respect to the magistrates of Birmingham. The Noble Duke seems to complain that I and my colleagues were — when this matter was first alluded to — totally uninformed on the subject; that is — in relation to events which had taken place only a few hours before, — upon a subject, with regard to which it was desirable that the fullest information should be obtained, on which no hasty conclusion ought to be formed, and on which it behoved the Government not to speak without the fullest and most ample knowledge that could be obtained! If this is the charge against myself and my colleagues, it is a charge which I do not feel at all pressing upon me, and to which I cannot attach the least degree of importance. I can see no force in this charge; for the course which has been followed is the same which was adopted in a much more grave and serious case, — but to which the Noble Duke has — strangely enough — not alluded; — I mean the Bristol case. On the occasion of the Bristol riots, not less that one hundred lives were lost, and a great number of houses were pillaged and burnt; whilst that city, instead of being only for an hour or two, was, for a considerable time, in the possession of a lawless and infuriated mob. I do not remember, however, — although I know not what the cause may have been, — that so strong a desire was, at that time, manifested in Parliament, as there seems to be on the present occasion, to question the conduct of Government, or of the magistrates of Bristol, although the conduct of those magistrates was then much complained of. I do not remember that such observations as have been lately made in reference to Birmingham, were made in Parliament in reference to Bristol, or that such a desire to censure the Government or the magistrates was manifested at that time, as I remark now. But, on the occasion of the Bristol riots, an inquiry was made into the conduct of the magistrates; and the result was, that an information was filed in the Court of Queen's Bench against them; and the consequence was, that they were tried and acquitted. On the present occasion, the Government has followed the same course. An inquiry has been instituted, with a view to ascertain what the conduct of these magistrates has been, and to see whether there are any good grounds for ulterior proceedings. With respect to the papers alluded to by the Noble Duke, I am perfectly ready to acquiesce in any motion for their production, as I am most anxious to have every possible information before the House, which can tend, in any way, to a full understanding of the subject. I admit it to be possible that the memorial, which has been read by the Noble Duke, shows a want of confidence in the Government. But the reason for that want of confidence is another matter; and perhaps the Noble Duke will be prepared to show what this reason is, on some future occasion. My Lords, the matters alluded to by the memorialists had reference to a general election, on which occasion certain riots took place at Birmingham, in regard to which both the civil and military authorities were charged with neglect of duty. I am not, however, prepared to go into the case, as I have not a perfect recollection of the circumstances; nor am I perfectly aware of the reasons for the course which, on that occasion, was followed by my Noble Friend the Secretary of State for the Home Department. But this I will say, —that there is no evidence relative to this recent affair, from which it can fairly be inferred that my Noble Friend will pursue a course contrary to justice; or that it is his intention to communicate the information which has been conveyed to the Government, to those persons who are, at present, accused of misconduct. It is necessary for the Government to know all the facts, before it comes to a conclusion as to the proper course to be followed, or before adopting the course which the Noble Duke seems inclined to pursue. Unquestionably, I have no objection to the production of the papers alluded to by the Noble Duke; and I am most anxious that the fullest inquiry and examination into the whole matter should take place. With respect to the question, whether granting a charter to Birmingham was a proper or an improper step, that, also, is a fit subject for the examination of Parliament. I beg, again, to assure the Noble Duke that, in the remarks to which I have alluded, no offence to him was intended. Those remarks were not intended to imply any imputation upon the veracity of the Noble Duke, but implied,

only, that he gave a stronger colouring to these unfortunate transactions than my Noble Friend thought they deserved.

The DUKE of WELLINGTON. — The acquittal of the Bristol magistrates showed that they had done their duty; and that case is not, therefore, as yet, in point. That which I complain of is, that the Birmingham magistrates were not appointed according to law, but on the nomination of the Home Secretary. The Home Secretary is responsible for the conduct of these magistrates; and the ground of my complaint is, that they were appointed in an unconstitutional manner. I did not know that the riots alluded to by the Birmingham memorialists occurred at a general election; and I only quoted the memorial, to show the feeling entertained, in Birmingham, with respect to her Majesty's Ministers. Government have, on one occasion, communicated the information received from persons complaining that the magistrates had not done their duty to the parties informed against; and it matters nothing what the occasion was. The result is the same, whatever was the occasion. The memorialists conclude that the Secretary of State — judging from their past experience — is unwilling to prosecute when a complaint is made; and they have not confidence that the information they might furnish would not be communicated to the parties accused.

VISCOUNT MELBOURNE. — Parliament was not sitting when the Bristol riots occurred; and the reason why they were not afterwards noticed in Parliament was, that the people had had sufficient time to reflect upon the matter. Time was thus afforded for consideration; and it would, in my opinion, have been more prudent to have reflected more, on the present occasion. With respect to what the Noble Duke has stated, as to the magistrates having been virtually appointed by the town council, in violation of the Act of Parliament, that I entirely deny; because I remember that, in all the debates upon this subject, it was said to the Government, "We are depriving you of no power that you already possess; you may take the advice of the town councils, if you please." What could be more natural than that the Secretary of State should take the opinion of the town council upon an appointment of this nature?

The DUKE of WELLINGTON. — I would recommend the Noble Viscount to consult the clause in the Act of Parliament, and not to trust to his memory respecting what passed in the debate upon it.

The EARL of RIPON. — My Lords, in a conversation which took place the other day respecting the grant of a charter of incorporation to Birmingham, my Noble and Learned Friend on the woolsack alleged that gross frauds had been practised on the part of those who were opposed to the charter. Since that time, I have communicated with those gentlemen; and they assure me, in the most positive manner, that, so far as they are concerned, and so far as the town of Birmingham is concerned, no such fraudulent transactions, whatever, as have been represented to have occurred, did really take place. No fictitious names have been appended to the memorial against the charter, and no streets have been put down among the addresses which are not in existence. The opponents of the charter have also forwarded in every possible way the inquiry which has been instituted; and, in fact, they are the persons who have called for an inquiry; and it is the greatest absurdity to suppose that such persons would throw obstacles in the way of its prosecution. I am sure that what my Noble and Learned Friend said the other day was not quite correct; and I wish to know whether my Noble and Learned Friend can now declare whether his observations did, or did not, apply to the town of Birmingham?

The LORD CHANCELLOR. — I am surprised that any misapprehension should have arisen as to what fell from me, — as I corrected the mistake at the time. I said that I had applied to Birmingham some remarks which, really, attached to Manchester.

The MARQUESS of WESTMEATH. — I am glad to hear that the Government object to sweeping charges being brought against magistrates. I have to complain, however, of the Irish Government acting on a very different principle with regard to the magistrates of Westmeath. I really cannot resist the temptation to inquire of the Noble Viscount, what will be the style of the inquiry into the conduct of the magistrates at Birmingham? I wish to know whether the instructions to the commissioners of inquiry will be laid before Parliament? and whether the commissioners will have the power of examining witnesses on oath, and of summoning them if they do not choose to attend? Although I am not connected with the county of Warwick, I have a strong feeling of sympathy for those who reside there.

The MARQUESS of LONDONDERRY. — In corroboration of what

has fallen from the Noble Duke, I beg to inform your Lordships, that I have received a letter, dated the 18th of July, from Stockton on Tees, and signed by six commercial gentlemen, referring to the disturbances which have taken place, there, in consequence of the proceedings of the Chartists. From this letter it is evident that the state of the county of Durham is most alarming; and, looking to the absence abroad of the lord lieutenant, the greatest vigilance and attention should be exercised on the part of the Government.

LORD BROUGHAM. — I rise merely to observe, that my Noble Friend the lord lieutenant of the county of Durham (the Duke of Cleveland) is abroad at present,— being obliged, under medical advice, to go to the baths of Wisbaden; but I am sure he will return as soon as he possibly can.

The MARQUESS of LONDONDERRY. — I only alluded to the subject with a view of impressing on the Noble Viscount the importance of exercising the greatest vigilance in the district I speak of.

PRESBYTERIANS.

The MARQUESS of LONDONDERRY. — My Lords, in reference to a petition presented by me from the Synod of Ulster, last week, praying that provision might be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, I have the satisfaction of being able to state that I hold in my hand an order of the Commander-in-Chief on this subject, which I will now read to your Lordships: —

Horse Guards, July 10. 1839.

In reference to the instructions contained in page 240. of the General Regulations and Orders of the Army, the General commanding in chief desires that commanding officers of regiments and depôts will be particularly careful that no soldier, being a Roman Catholic, or of any religious persuasion differing from the established church, shall be compelled to attend divine worship of the Church of England; and that every soldier shall be at full liberty to attend the worship of Almighty God according to the forms prescribed by his own religion, when military duty does not interfere.

By command of the Right Honourable General Lord Hill, commanding in chief.

JOHN MACDONALD, Adjutant General.

SCOTCH CHURCH.

LORD REDESDALE presented petitions for the further endowment of, — of inhabitants of Peebles; Ormiston; and Resneath. — Read, and ordered to lie on the table.

MAYNOOTH COLLEGE.

LORD REDESDALE presented a petition against any further grant of money for the support of, — of ministers and elders of the presbytery of Fordyce in the Synod of Aberdeen. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD LYNDHURST and the EARL of RODEN presented petitions praying to be heard by counsel at the bar against, — of the lord mayor, sheriffs, commons, and citizens of Dublin, being the corporation of said city; and of the Corporation of Tailors, or Guild of Saint John the Baptist, Dublin. Also, a petition against the Bill, — of the ministers, churchwardens, and Protestant inhabitants of the parish of Coolbanagher. — Read, and ordered to lie on the table.

RIOTS AT BIRMINGHAM.

LORD BROUGHAM. — My Lords, I hold in my hand a petition from Glasgow, agreed to at a public meeting, and signed by the chairman on its behalf, complaining of the attack made by the police on the people at Birmingham, on the 4th of July, without reading the Riot Act. A great mistake seems to prevail on the question of the necessity for reading the Riot Act. The reading of that Act enables the magistrates to do no more than they can do without it; but persons who do not disperse within an hour after it is read, are guilty of felony, — which, some time ago, was a capital felony.

Read, and ordered to be received as the petition of James Proudfoot (the chairman), who, only, has signed it.

POOR LAW AMENDMENT ACT.

EARL STANHOPE presented a petition for the repeal of,—of the Reverend F. H. Maberly, curate of Bourn, near Caxton. — Read, and ordered to lie on the table.

WARWICK GAOL.

LORD WYNFORD. — I beg leave to move for a copy of the present existing and the late gaol regulations of the county gaol of Warwick. My Noble and Learned

Friend opposite (Lord Brougham) stated, the other day, a very grave case against the gaoler of the county of Warwick.

LORD BROUGHAM.—It is, perhaps, necessary that I should remind my Noble Friend, that the petitioners expressly say that they make no complaints against the gaoler. I fear that my Noble and Learned Friend will not obtain what he wants by this motion; as the printed regulations are not the regulations which are acted upon.

Papers ordered.

POOR LAW AMENDMENT ACT.

EARL STANHOPE presented petitions for alteration of,—of gentry, clergy, farmers, and others of Llandyssul, Llanfairoer-llwyn, and Llangynllo; and, also, the board of guardians of the Newcastle in Emlyn union.—Read, and ordered to lie on the table.

BARNET INGREY.

EARL STANHOPE presented a petition from the Reverend F. H. Maberly, curate of Bourn, near Caxton, complaining of proceedings against Barnet Ingrey (a prisoner), and praying for inquiry.—Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

EARL STANHOPE.—My Lords, I beg leave to present a petition from an individual named Joseph Hirst, who is a guardian of the poor of the Huddersfield union. I will not trouble your Lordships with a statement of the matters of local interest alluded to in this petition, but I will call your Lordships' attention to extracts from the Reports of the Poor Law Commissioners. It is stated, in the Second Report, p. 318.,—

> The farmers admit that they have not too many men, provided they can get their labour at a low rate; and that they hope, by the offer of the workhouse, to succeed in that object.

Thus proving—what I have all along stated—that the effect of the Poor Law Amendment Act will be, to reduce the wages of the labourers. Again, in their Fourth Report, page 317., they say,—

> The guardians of the Huddersfield union compelled the applicants for relief to work on a gentleman's private property, with "a sharp person to overlook them," for 1*s.* a-day; and the distress of some of the men was such, that they were "very grateful" after working six days for 6*s.*

The prayer of this petition is, that an order made by the Poor Law Commissioners, and called the Huddersfield Union Election Order, may be annulled, and the Poor Law Amendment Act repealed.

Read, and ordered to lie on the table.

MELLERAIE.

EARL STANHOPE.—When I presented a petition, a few days ago, relative to some communications which had taken place between the French Government and the British ambassador at Paris, with respect to the confiscation of the property of certain British subjects, on account of their assumption of the monastic habit, I was informed that these documents were very voluminous; and it was suggested to me by the Noble Viscount, that I should do well to confine my motion to extracts of the correspondence which had taken place. In the propriety of that recommendation I entirely concurred; and, in the absence of the information for which I sought, I abstained from offering, or even forming, any opinion on the merits or demerits of that petition. It appears to me, however, that there is a *primâ facie* case, which calls for an inquiry. An inquiry is due to the parties, and due to the honour of the country, as well as to the Noble Earl who is the British ambassador at Paris, and to the Government who employs him. The information was not given by a British, but a French subject,—M. de Regnon,—who is a corresponding member of the General Association for the Protection of Religious Liberty, and who thus expresses himself, on the subject, to the British consul at Nantes:—

> Why, I ask, are the English dealt with so differently from the French? For how does the matter stand? The French stand forward at present as the accusers of the authorities; and the English, borne down by the accusations of these same authorities, are, without a judgment, declared guilty, placed without the pale of the law, and ignominiously expelled the country; yet they have, one and the other, committed none other than the same fault; and, in fact, the fault—if any fault there be in reassuming certain dresses—cannot but be considered as more venial on the part of the English than on that of the French, inasmuch as the former did no more than obey their superior—a Frenchman.

I now beg leave to move for extracts of the correspondence with the British ambassador at Paris, with respect to the expulsion of certain British subjects from Melleraie, in France.

Ordered.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD BROUGHAM. — I will take the opportunity of your Lordships being about to proceed to the Order of the Day for the second reading of that very important measure, the Irish Municipal Bill, to make a few observations in connection with the subject; and, at the same time, to state the course which I intend to pursue with regard to it; a course so entirely different from that which other Noble Lords will probably take, — whether they oppose the principle of the Bill, or object to its details, — that I feel it would be more fair in me to address your Lordships thus, at the preliminary stage — than at any further stage — of the measure. Let the merits of the measure be what they may, — be the Bill ever so unexceptionable, — be its principle and details ever so perfect, — still my objection to it is, that this is the 22d of July when the House is called upon to consider it. Your Lordships have now been sitting six months, and hardly anything has been done; in point of legislation, we have done nothing; and we are now called on, as usual, at the close of the Session, to perform the duties of law makers. This complaint has been frequently made, and is not more applicable to the present Government than it has been to any former Government; and, as the practice has now become most oppressive, I think the House is reduced to the necessity of, at last, taking the only effectual step of applying a remedy to this great and increasing mischief. In the previous part of the Session, your Lordships have debated a great deal, and have appointed committees of inquiry; but, as far as respects our legislative functions, they might as well have been entirely abrogated. I have attended your Lordships' House as regularly as the Noble Duke (the Duke of Wellington), who, I perceive, is now present; and I am certain that I am speaking within compass, when I say that, during the whole Session, your Lordships have not sat ten times so late as eight o'clock, — and I am equally sure that we have not sat five times so late as ten o'clock. Can it be said that we have done anything else than pass our time away, until measures should be brought up from the other House?

I hold in my hand a statement of the business of the day, — though such it can be only nominally, — for, unless your Lordships can stay the course of the sun, we can never get through the business on the paper in one night, nor be able, properly, to consider the measures which are to be submitted to us, — if we do not determine to sit till November next. There are eleven important measures upon the paper, every one of which stands for the second reading. There is, in the first place, the Municipal Corporations (Ireland) Bill; then the Metropolis Police Bill, which, I understand, is now to be referred to a select committee. Next comes the Custody of Infants Bill, which stands for a committee, and which is a most important measure, — both as respects the law it affects, and the interest it excites. Then follows the Pleading in Courts (India) Bill, — a subject requiring great attention; the Beer Act in Part Repeal Bill; the Prisons Bill; and the Bankrupts' Estates (Scotland) Bill. This last is a very important Bill, and makes very considerable changes in the bankrupt laws. Similar Bills have been introduced fourteen or fifteen times already, and have been, invariably, withdrawn, on account of the lateness of the Session; temporary Bills having been brought in to continue the old law, which ought to be remedied and amended. The list is closed by the Church Discipline Bill, the Soap Duties Drawback Bill, and the Stannaries Courts (Cornwall) Bill. I have been told that some of the Bills will be put off; but I reply, that in that case the Session must be put off; and that, the more frequently these Bills are put off, the greater will the evil become. The Irish Municipal Bill contains no less than 256 clauses, — 124 are, more or less, new clauses, — while upwards of 50 are absolutely new. It is, therefore, not the same Bill that your Lordships have had before you on former occasions, but a measure of which we know nothing. There are more pages in this Bill, alone, than in the whole statute book during the first thirty-eight years of the reign of Queen Elizabeth. Is it fair, then, to call on your Lordships to discuss all the various matters they comprise, this night, seeing that the printed copy of the Irish Municipal Corporations Bill has only this morning been delivered into your Lordships' hands? This is not the proper way of dealing with a subject of such vast importance, which the experience of past years proves cannot be carried through the House without exciting great controversy, both as respects its principle and details.

My Lords, it may be said that this Bill comes from the other House of Parliament, — and as that House has had other things to do, it could not have been brought up sooner. In answer to such a suggestion, I should say, I know of no measure which ought to take precedence of

this Bill. It is of the first importance; and the promoters of the measure say that the peace and good government of Ireland depend upon it. But it deserves precedence on another account, —namely, because it has been waiting three years for precedence, ——

[Cries of "Hear, hear!" and laughter.]

— and it was so much in the mind of the Government, that an allusion to it formed a portion of the Queen's Speech on the first day of the Session. Have I not, then, my Lords, made out a case showing the absolute necessity of introducing the Bill at an early period of the Session? Indeed, it has just been intimated to me that the Bill was introduced into the other House so early as February last. What, then, have been the occupations of that House, that they have not been able sooner to send up the Bill to your Lordships? Perhaps it will be said, that the House of Commons has been employed in the consideration of many measures of importance; and, if this be the case, all that your Lordships have to expect is, that other measures of equal importance will be sent up to this House from the same quarter. This very night, indeed, some half dozen Bills have been brought up; and within the next ten days there will probably be forced up many more from the same laboratory of immature legislation, — all bearing the marks of immaturity, or of being but half made. Thus, within one week or a fortnight, your Lordships will be expected to finish what it has taken the other House the whole Session to do. Is it right, safe, or expedient, that your Lordships should be called upon to do so? Is this legislation by two Chambers of Parliament, or of one? I have heard it stated that the House of Lords should be abolished, because it is a nuisance to the constitution. This I have always denied. I frequently differ from your Lordships, and I have often had occasion to blame the conduct of this House; but I have never, behind your backs, said anything so strongly against you as I have in your presence. I have never dreamed of such a proposition as superseding the functions of the Upper House; which would be as great a change in the constitution as if the monarchy, were turned into a republic.

Although I have no respect for the opinions of those who desire the abolition of the House of Lords,—yet I consider them far more consistent and rational than those who, while they are for maintaining the Upper branch of the Legislature, call upon it to act as a body of lawgivers, — require it to exercise its legislative functions, and yet bring their measures before this House at such a time, in such a mass, and in such a shape, as render it absolutely — because physically — impossible, that any deliberation at all shall be exercised respecting them. Is it to be maintained that measures come before your Lordships so perfect, that they require no revision, improvement, or correction? I maintain, my Lords, that the fact is directly the reverse. The measures come up to your Lordships' House, for the most part, in such a shape, that I defy the most devoted admirers of the proceedings elsewhere, — I defy the authors of those proceedings themselves — (be they even so fond of their abortions, as, by a kind of law of nature, parents with such progenies are generally supposed to be, — loving them in proportion to their deformity), — I defy them to doubt, for one moment, that those measures require revision and correction — or to say, that it would be better to pass them into laws without undergoing such an operation.

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down, again, to the House of Commons. I should have thought that House would have been glad of the opportunity of escaping from the blunder which it had committed. Quite the contrary. They were so angry at the alteration made by your Lordships, that, although the Bill had nothing to do with money, they threw out the whole Bill, and it was not passed till about a year ago. This, my Lords, shows the absolute necessity of the House of Lords revising the proceedings of the House of Commons; and, although I may agree in the principle, and in the greater part of the details, of the Bill now before this House, I still think it needful to perform this duty in respect of it.

I have adverted to the different measures fixed for discussion this night; there is, also, an equally important list for to-morrow. I may mention, the Trial of Prisoners Bill, the Canada Government Bill, the Registry of Births Bill, the Election Petitions Trial Bill, the Tithes Commutation Acts Amendment Bill, and the Supreme Courts (Scotland) Bill. These, and many more subjects, have your Lordships to consider; for the other House has not, even yet, stopped its legislation. It was but the other day, — the day after I postponed my Education Bill, at the request of my Noble Friend, on account of the advanced period of the Session, — that a Member of the Government in the other House did not hesitate to get up in his place, and introduce a measure — one quite new to the Legislature — respecting inland bonding and warehousing, — a measure which I happen to know to be of great importance, from the circumstance of two deputations of mercantile gentlemen having already called upon me for the purpose of protesting against it. My Lords, since last Tuesday, several Bills have been brought into the other House; but, at the same time, if the measures are urgent, I do not object to that. I have been told, however, that, of one very important measure, notice was only given this evening; — and that is, a Constabulary Bill for the whole kingdom! I must say, I do sincerely hope your Lordships will not be driven, at this season of the year, into so difficult and important a question as the new modelling of the constabulary force; but, at the same time, if the necessity of the measure be proved, I will agree to going into it.

This mischief has been going on for several years, and has been complained of over and over again. I complained of it two years ago; no one denied it, — every one admitted it; and I said then, what I repeat now, that I found there was but one remedy, and that was, to take such steps as should compel those Members of the House who had weight, there, — if there be such, — to be more speedy, and send up their measures earlier in the Session. My Lords, as to this particular measure, every tittle of it might have been brought in, in this House, — it is peculiarly adapted to our forms of legislating; for the machinery, as to the money portion of the measure, might have been introduced elsewhere; and there are many other Bills under the same circumstances. Until your Lordships take the remedy into your own hands, you will, year after year, be treated in this manner, — for five months of the Session the other House giving you nothing to do, and then sending you more to do in two or three weeks than any set of men could complete in four, five, or six times as long a period. But there never was so flagrant a case of this kind as in the present year. Your Lordships are called a deliberative body, and you are deprived of the physical means of being such. Let your Lordships be treated as ciphers, — told that you do not exist, — commanded merely to register the Acts of the House of Commons, — never called upon even to look at a Bill, much less to examine and improve it; — all this I could understand. But to be treated as a deliberative assembly, — to be called upon to examine measures, — to be told that you must discuss the principle of each measure in the House, and its details in committee; — to have all this responsibility thrown upon you, and, at the same time, to receive from the other House so many Bills, when it is a physical impossibility fully to discuss even one of them; — this is a mockery, and an insult on your Lordships' understanding.

The remedy to be applied is this. Let your Lordships show the House of Commons that if they send up measures at this period of the Session — be they good, bad, or indifferent, — then, merely because it is so late, unless they show that they could not send them up earlier, reject those measures for the year. I will answer for it, without pretending to the spirit of prophecy, that in the next Session we should have proper Bills introduced in their right place, and all measures brought before us at a convenient season. These observations I have felt it my bounden duty to make in consequence of what took place two years ago. Your Lordships permitted me to bring before you certain changes which were adopted by a committee of your Lordships, and afterwards sanctioned by a vote of the House. But those changes referred to private business only. I did not at that time offer a

remedy for the other portion of the business of the House; but I now venture, on the credit of having helped your Lordships to do this in a much more important undertaking, to ask your Lordships to take the same course, also, as to public business, as the only mode of practically and effectually curing the evil which now exists, which all your Lordships admit, and which no man can deny. I shall therefore vote against the second reading of this Bill, giving notice that I shall also vote against the second reading of many other Bills, and thus endeavour to restore to your Lordships the means of exercising your rights as a deliberative and legislative body.

VISCOUNT MELBOURNE. — On moving the second reading of the Irish Municipal Corporations Bill, I must admit that the observations of my Noble and Learned Friend are — as he said — not directed towards this measure in particular, for they apply to a state of things which, as I believe, has prevailed as long as Parliaments have been in existence; for which it may, perhaps, not be easy to assign reasons, but which has been often discussed, and different causes assigned for it. It has been, as I have understood, the habit of all legislative assemblies, in all parts of the world, that all the real and practical measures are accumulated together towards the end of the Session. The early part of the Session is always taken up with other matters, such as party contests, and things of that kind. My Noble and Learned Friend has spoken of this measure being such as might have originated in this House; but he must know, very well, that it is not very convenient, politic, or expedient, to originate measures in this House. My Noble and Learned Friend — in a very ingenious speech, on a former occasion — seemed disposed to enlarge upon the advantages of large majorities in the other House. I do not entirely acquiesce in all that fell from my Noble and Learned Friend on that subject; but, at the same time, it cannot be doubted, that Bills which are sent up with the sanction and authority of the other House, somehow or other, stand a better chance than Bills originating in this House, and *ex mero motu* of your Lordships. I must say, that if my Noble and Learned Friend did not intend to add to the delay on this occasion, he would not have made the speech he has now addressed to your Lordships, which, although ably stated, — as is all he says, — only proposes that remedy, which, virtually, your Lordships are very much in the habit of applying. The observations of my Noble and Learned Friend are less applicable to this Bill than to any other before your Lordships, or which may yet come up from the other House; because, with respect to its provisions, many of them have been most maturely considered by your Lordships before, in many consecutive Parliaments; they have been sanctioned, recognised, and adopted by your Lordships; and, although it sounds very well, oratorically, — although, δεινικῶς, it appears well to refer to the great bulk of the Bill, and to the number of the clauses contained in it, — yet, what is the fact with respect to it? The measure originated in the other House, but the Commons made such amendments that it failed to pass at all; now the Bill, as it at present stands, in its principal provisions, has been agreed to by both Houses of Parliament. It is the fruit and produce of the combined wisdom of the Legislature; and there are very few points left on which there can be any material difference of opinion among your Lordships. And with respect to the size of the Bill, that is your own doing, owing to the amendments which your Lordships have yourselves introduced. I think this Bill has been so recognised by your Lordships, and so sanctioned by your Lordships, that, but for the intimation of the Noble Earl opposite, that he intends to take the sense of the House on this step, I should not have felt myself called upon to address these observations to your Lordships, — thereby occupying too much of the time we have to devote to the consideration of the measures before us. The Irish Municipal Corporations have been thought to require revision, as they are not suited to the present day, nor to the laws which have been passed of late years, nor adapted to subjects of all classes; these are matters which I thought were completely and entirely admitted. It is unecessary for me, therefore, to detain your Lordships by arguing any more on the principles of the Bill; and with respect to its provisions, the main point for consideration is, the qualification for conferring the franchise. The House of Commons brought up a Bill originally with a 5*l.* qualification. Your Lordships returned it with one of 10*l.* The other House now send it up with one of 8*l.* for three years. As to the boundaries of the boroughs, — with the exception of Dublin, Limerick, and Belfast, — the House of Commons have adopted those which were sent down by your Lordships. There are several minor points of difference, I know; but they do not affect the princi-

ple of the Bill, which is, that the corporations of Ireland require revision. As to the nomination of sheriffs, the House of Commons originally sent up a provision for the town council to name three persons to the Lord Lieutenant, from whom he might select one. Your Lordships, however, altered that provision; but the House of Commons differed from you on that amendment, and have now sent up a provision somewhat similar to their original one. There are other provisions in the Bill connected with the qualification, particularly the provision against the valuation being the same valuation that has been made for the purpose of assessing the country for the poor law; but these points remain to be discussed in the present Bill. Your Lordships have now had the Bill under consideration for three years; you have adopted the principle of it over and over again; you have been convinced of its necessity; there has been much difference of opinion, much discussion,—perhaps, rather more than the amount of the difference between your Lordships and the other House might justify; — and I now hope that your Lordships are prepared to consider this Bill with a view to determine this question, and to carry the measure, to the settlement of all differences on the subject, and to the great benefit of the country for which it is intended.

LORD BROUGHAM. — After what has fallen from the Noble Viscount, I will not press my objection to this Bill. I will make an exception as to this, but I shall certainly vote against the second reading of all others.

The EARL of RODEN. — It would be altogether inexcusable for me to have troubled your Lordships with any remarks, had the Noble Viscount opposite correctly expressed himself, when he said that all your Lordships are agreed as to the principle of this Bill. I, for one, have, Session after Session, guarded myself against agreeing to the principle of the measure, because I always thought it to be fraught with the greatest danger and the greatest evils to that part of the empire to which I belong. I have considered it my public duty, however unsuccessful I might be, to endeavour to arrest your Lordships' progress in a measure which, if you once adopt, whatever evil may hereafter arise from it, you will find it impossible to recal. I will first refer to the preamble of the Bill; then to one or two of the provisions of the Bill; and will next endeavour to express to your Lordships my feelings on the evils that must arise from this measure. I find in the preamble of this Bill that it is recited, "Whereas divers bodies corporate, at sundry times, have been constituted within the cities, towns, counties of cities, counties of towns, and boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed." I beg your Lordships' attention to these words, "having been established for the purpose of being well regulated and quietly governed." It is then added, "and it is expedient that the charters by which several of the said bodies corporate are constituted, should be altered in the manner hereafter mentioned;" or, in other words, so to construct them, that (in my opinion) they will no longer answer the purpose for which they were intended; but, "that a system of corporation government, similar to that established in England, should also be established in Ireland;" which, considering the different circumstances under which these two parts of the empire are placed, must be materially calculated to call into action all those religious differences—all those party feelings—which cause the pain and misery of the unhappy country of Ireland. I therefore shall, in the first instance, ask those Noble Lords who are anxious to establish these corporations in Ireland, whether the state of that country is such,—whether there is so great an absence of party feeling, — whether there is such a want of excitement, there, — that, forsooth, it is necessary to pass a Bill which will give the power of establishing, in all the towns in Ireland where there are 3000 inhabitants, municipal corporations, —those offices for agitation, those normal schools of sedition, and every other object which may produce agitation, to the great detriment and prejudice of the country? I would remind your Lordships, that the testimony of every person who has any knowledge of Ireland, from that distinguished individual the Marquess of Wellesley, down to the humblest witness who has been examined before the committee of your Lordships, one and all have traced the evils and crimes of Ireland to the system of agitation which is so continually kept up in that unhappy country. The language of all is, that this political agitation has been the cause of all the prædial outrage; and I will, therefore, ask your Lordships, whether or not a recurrence of elections in different parts of the country is not the very readiest means for producing that agitation? I will ask any one who has any doubt of

the truth of this, to look at what passed during the late election in Ireland, and I will name two of the counties in which the greatest agitation appears to have been produced, — I mean Sligo and Roscommon. Before the election, those counties were in a state of peace and happiness, not exceeded by that of any place in England; but, now, they are in such a state of excitement, that the gentry cannot go to visit each other's houses after dark, or without being well armed. But this state is not caused merely by the election of Members of Parliament, but by the election of commissioners under the 9th of Geo. IV. The effect of the Poor Law in Ireland has, though not so intended, greatly tended to add to this agitation. The elections for guardians are scenes of the most mischievous agitation, and none have any chance of success except those who are on the "priests' list." This system of interference has been carried to a vast extent in Dublin. One would have supposed that, if property had had any influence in securing the appointment of proper persons, it would be in that city; but the spirit of party feeling and religious animosity, to which I have alluded, have been carried to an extreme height there, — proving that agitation, and that by which it is promoted, may be ruinous to the best interests of the country. I ask your Lordships whether you can consent to pass a measure which must make, what is now bad, a great deal worse? What is it that it is desired your Lordships should do? That you should erect municipal corporations in every town where there are 3000 inhabitants, and which may apply to be incorporated. These persons will have the power of electing their own mayors and other officers, who will, no doubt, be chosen from the "priests' lists." I ask, then, what security for life or property will anybody have, holding different opinions in religion from those dispensers of justice? These elections will take place annually; and, judging from analogy, will produce scenes of riot and agitation such as those to which I have referred. By this Bill, powers are conferred on the magistrates to create new officers, — to give what salaries they please; so that the Lord Mayor of Dublin may be the greatest agitator in Ireland, and they may still choose to give him an immense salary. In short, there is no limit to their powers, viewed in this light.

Under such circumstances, my Lords, I must object to the second reading of this Bill. I do not think it could be so improved in the committee as to justify me in giving it any sanction. I therefore earnestly implore those Noble Lords, with whom I have the honour usually to act, and who, I believe, intend to support the Bill, to consider what will be its effects, and to retrace their steps before it be too late. I beg of them to recollect the speeches they made on the subject in 1836, in which I fully concurred with them. I wish them also to consider the late period of the Session, and the short time allowed us for the discussion of so important a Bill. I also beg of them to look attentively at the late events in Birmingham. It is, perhaps, providential for Ireland that those events have so taken place; for if such outrages occur in a town not more than a five hours' journey from the immediate control of your Lordships, what may not be expected as the results of agitation in towns so remote as are many of those in Ireland? I assure your Lordships, that it is impossible for me to describe the panic which prevails in the minds of the peaceable and loyal Protestants of Ireland; or the alarm which they feel, at the prospect of the passing of this Bill, and at the power which it will place in the hands of those who would, if they could, banish them from the country. My Lords, my individual opinion is but of little weight; but it has, at least, this claim on the attention of your Lordships,—that it is sympathised in by a large proportion of the Protestants of England, Scotland, and Wales, who feel, with the Protestants of Ireland, that the passing of this Bill would be the "heaviest blow to Protestantism" in that country, and — still to use the words of the Noble Viscount (Melbourne) on a former occasion — would be the "greatest discouragement" to the Protestant religion in general. Under these circumstances, I feel it my duty to raise my feeble voice on behalf of those who look to Parliament for protection for life and property, and, in their names, to protest against the second reading of this Bill. On the grounds I have stated, I do hope that, unless the Bill shall be greatly improved in the committee, — which I do not expect, — your Lordships will reject it altogether on the third reading. If, however, it should unfortunately pass, and if (as I believe it would be) it should be productive of evil, the responsibility be on the heads of those who support it! Earnestly do I wish that many of those who, I know, will support this Bill, would look to what is right, rather than to what is expedient. Let each do that which is his duty, and leave the result to God. No measure, since the unfortunate one of 1829, has been more calculated to hazard the best interests of

the empire than the Bill now before your Lordships; and feeling that, in supporting it, I should become a *particeps criminis* with those who are its advocates, I consider it my duty to take the sense of the House upon the present motion on it.

LORD STUART DE DECIES. — My Lords, I am anxious to make a few observations, in reply to what has fallen from the Noble Earl who has just addressed the House. I certainly greatly regret the course taken by that Noble Earl. I well remember the remark made in another place by a Right Honourable Gentleman who was recently about to become Premier,—that Ireland presented more difficulties in his way than Jamaica, which had abdicated its legislative functions — or than Canada, in which a civil war was still smouldering — or than India, in which open war had commenced; and I have no doubt that those difficulties arose from that very party which the Noble Earl represents in this House. I have had the honour of holding a high office in Ireland, in which I have been in a great degree answerable for the peace of the district in which I reside; and I must say that, during the whole time I have been so employed, I have never known the country in a more disagreeable state of agitation and excitement than during the two or three years preceding the discussion upon the subject of the repeal of the Union. The Noble Earl says that if this Bill were to pass, it would be, on our parts, establishing normal schools of sedition. I beg to say that I entertain an opinion of a tendency directly the reverse. It was my misfortune to reside in Ireland during the time that the Repeal question was so agitated, and I was a witness of the vehemence with which the current of popular feeling ran in favour of domestic legislation. There was a deep-rooted, but most ill-founded, mistrust of the Parliament. I, and those of the same opinion with me, did not shrink from meeting the people; and we urged in favour of the Parliament, that it had been only lately constituted, and that it ought to have a fair trial; and we unhesitatingly assured them that if they would only give the Parliament time, there was no benefit or franchise which would be conferred on England or Scotland, that would not be cheerfully given to Ireland. For so doing we were mocked at as false prophets; we were taunted with the name of "Wait-a-whiles;" and our political power was at a low ebb indeed when the motion of the Honourable and Learned Member for Dublin drew forth resolutions from the two Houses of Parliament, which supported all that we had promised to Ireland. Since that time, all persons have scrupulously abstained from agitating the repeal of the Union; and, now, what has been the reward of their patience? Let us, my Lords, look at the triple rejection of a measure on which the people of Ireland have set their hearts; and then let us say whether the privileges which you have pledged yourselves to confer on the people of Ireland have been given? and say whether you have not rather placed a gag on the mouth of the friends of the Union, when the friends of repeal shall again endeavour to raise the cry? Although that cry has been suspended, it will be again revived; and if the first opportunity should be taken to renew it, will it not be, when they who have opposed the Irish people's wishes shall come again into power? I therefore recommend to Noble Lords opposite the expediency and the justice of withdrawing all opposition to this measure, if they would preserve the country from injury, rather than haggle with the Irish in a kind of political usury as to the measure of justice which they will deal out to her. If the Noble Earl had opposed this measure on the ground of the franchise, I might have shown that, deducting repairs and rates, there is little difference between the two proposed franchises; and I might have asked whether you would, for this, meet the hostility of the nation, and incur another year of turmoil? I might have shown that, even under an 8*l.* franchise, there would scarcely be one third of those entitled to the franchise, who ought to have it. The Noble Earl says that the abolition of the Irish corporations will be prejudicial to the interests of the Protestant established church ——

The EARL of RODEN. — Oh, no; not at all! I am for the abolition of all corporations.

LORD STUART DE DECIES. — The Noble Earl made a remark on the great danger of the Protestants being excluded from the corporations, through the influence of the priests; and if his argument did not mean that this would endanger the Protestant establishment, I do not know what it does mean. I will only say that the maintenance of the existing corporations, against the express wishes of the people of Ireland, would be infinitely more dangerous to the established church, than their abolition could possibly be; for where exists the great security of the Irish Protestant church, but in the legislative Union? But, if the Imperial Legislature, acting on the

advice of the Noble Earl, continue systematically to oppose the wishes of the people of Ireland, then will the people of Ireland systematically oppose those establishments that are distasteful to them. I think that the Noble Earl's motion, if successful, will drive the Irish people to the adoption of one of two alternatives, — either to the repeal of the Union, or to the destruction of that very Protestant establishment which the Noble Earl desires so much should remain a bar for ever to the Irish municipal corporations. On the whole, I conceive that the Noble Earl has not advanced any more able arguments, than have been advanced on this subject in another place, — and in favour of those I cannot say much.

LORD LURGAN. — I must confess I could not have believed, had I not heard it, that the Noble Earl would have been the man in this House to make a motion for flinging out a Bill, which has for its object the reform of institutions whose name is synonymous with all that is most corrupt and profligate. The municipal corporations in Ireland, in their present state, are mischievous to society; they are most faulty in their principle, in their proceedings, in their constitution, and in their practice. Such has been held to be the character of those municipal corporations, as at present existing in Ireland, that, when this matter was referred for inquiry to the Irish Municipal Commission, it was pressed on them, even five years ago, that they should use all possible despatch, — (so great and pressing were the apprehended evils), — in order that there might be some legislation on the subject in the next Session of Parliament. Such being the character of these corporations, I own I am surprised to find that any Noble Lord in this House — and more especially an Irish one — should come forward to uphold them. The Noble Earl says that his object is to abolish all corporations; but as yet, in the course of five years, he has taken no one step to accomplish that object. I must say, that we are not afraid to meet the question, if it be started by the Noble Earl. If your Lordships will but look at the inquiry of the Irish commissioners, under any of its heads, I am sure I am not making a bold statement, when I assert that under any one of those heads will be found enough to justify and to invite prompt legislation. The evils complained of have never been contradicted; and are of such a nature that it is quite impossible for us, without incurring serious responsibility, and inflicting serious injury on the country, to pause in providing a remedy for them. About ninety-nine municipal institutions have exercised corporate functions during the last century: but since the legislative Union, a good many of these have become defunct, or are scarcely worth the mentioning: deducting these, there are about fifty-nine corporate bodies now existing in Ireland, — and in only about twenty-three of them is there anything like a commonalty or freemanship. The remaining thirty-six corporations, to which are committed the duties of magistrates, the power over the police, and the control of a considerable income, are altogether without any control; they are irresponsible, self-elected bodies. Now, when the Noble Earl asks your Lordships to throw out this measure, I ask, is the state of these corporate bodies a proper one? or is the state of municipal government in Ireland such as the Noble Earl would call on your Lordships to uphold?

The EARL of RODEN. — No, certainly not; nobody has said that it is.

LORD LURGAN. — The Noble Earl says he does not mean to uphold these sinks of corruption. Has he ever taken any one step to move your Lordships to abolish them? He has done no such thing.

The EARL of RODEN. — Yes; I have voted against them.

LORD LURGAN. — Yes; but that will not suffice to get rid of these corporations; they are too deeply rooted in the country to be got rid of by the mere vote of the Noble Earl. The Noble Earl knows what he is about; and when he is in earnest, and wishes to accomplish a point, he knows, as well as any Noble Lord in this House, that something more than a vote is necessary. If bodies of this kind are under no control, the consequence must be mismanagement and loss of property, — and such has actually been the case. Through the operation of the existing system, a very considerable amount of corporate property has been lost to the public. This is a most serious case, and it becomes our duty to rectify it, and to look after the property. Many of the corporate estates have been grossly mismanaged, — many of the members of the corporate bodies, granting valuable leases to themselves at low rates, and depriving the public of all advantage; and your Lordships are called upon to allow these sinks of corruption to exist till doomsday.

But the very head and front of the offence which these corporations present to my mind is, that they are exclusive bodies, and are banded to shut out, upon sectarian grounds, the great mass of the Irish people. My Lords, I say that this is quite intolerable; and I am sure that your Lordships, upon reflection, will be disposed to agree with me; because, so long ago as the year 1793, a Bill was passed for the repeal of the statute by which the Roman Catholics were excluded from the corporations of Ireland. Well, then, what is my case? Why, that up to the present day, or, at least, to the day when the Municipal Corporation Commissioners made their Report, the Catholic population of Ireland had reaped no practical advantage from the abolition of that system of exclusion, — effected though it had been by a statute passed so long back as the year 1793. I say this confidently, because, though the Roman Catholics may have been admitted, in some boroughs, to the freedom, they have been everywhere altogether excluded from the governing body; and even when they have been admitted to the freedom of the town, they have been admitted, not as a matter of right, — no such thing, — but in deference to the influence or popularity of some leading man in the corporation, and out of compliment to him. My Lords, this is an odious system of exclusion, which ought to be got rid of. Why should Roman Catholics be excluded? They bring a perfect equality of civil worth; and when, therefore, people talk of admitting them to corporate rights as a matter of favour and kindness, I say that the favour is insulting and the kindness odious. Have we not, then, a case? In Ireland we are much in want of a measure establishing corporations for purposes of local government and utility. They cannot supply the towns with water, they cannot improve harbours, they cannot transact many commercial matters, without them. Every object of utility and civil government must be effected by local Acts of Parliament, — by separate local commissions — and by separate bodies, who are frequently but little fitted for the duties they are called upon to perform, and which duties are often conflicting. So, what we want is a good system of corporations; and if your Lordships look to the case made out, you will be obliged, I think, to come to the conclusion, that these odious rotten corporations must be abolished utterly, and that new ones should be established and founded on a system of general admission to the body of freemen on the one hand, and to the governing body on the other. Believing, then, that these evils can only be met by some such measure as the present, I shall give as hearty a vote as ever I gave in my life for the second reading of the Bill.

The DUKE of WELLINGTON.—My Lords, it appears to me that the Noble Lord who has just spoken with so much ability, and who has so recently taken his seat among your Lordships, has not yet acquired a knowledge of the history of this measure; and, also, that the Noble Lord has entirely misunderstood the speech of my Noble Friend (the Earl of Roden). My Noble Friend does not defend the Irish corporations; he does not desire the continuance of these corporations on their present footing; — nay, on the very ground stated by my Noble Friend, it has been admitted that the existence of those corporations ought to be abolished, — namely, on the ground of the exclusive plan on which they have been governed. This will be admitted generally by your Lordships. In fact, a measure was proposed by my Noble and Learned Friend (Lord Lyndhurst), of which the object was to put an end to all the corporations of Ireland, and to govern the country according to the principles of the common law of the United Kingdom. That measure was not approved of by the other House; but it was passed by your Lordships, and I believe that my Noble Friend (the Earl of Roden) voted for it. But, although great pains were taken to perfect a machinery by which it might be carried into execution, it was rejected by the other House. Indeed, it appears to be the fixed opinion of the other House, as it is also that of many of your Lordships, that certain corporations ought to exist in Ireland, founded on an electoral principle. For my part, I was formerly of opinion that the best mode of governing Ireland was to abolish all these corporations. I was of this opinion, and I entertain the opinion still; but I gave up my own opinion to that which generally prevailed in the other House, and which also predominated among a great number of your Lordships, as soon as I found that there was a prospect of creating, in each of the towns where a corporation was to have existence, a constituency which might be formed on some system of rating, — or on any principle whatever, except on the perjuries of those demanding to have votes as burgesses in these corporations, and on the perjuries of others whom they might produce to support their claims. I have lived long enough in this world, to have an extreme dislike

of revolutions. I do not like to take power one day from one set of men, who have held it for centuries, and the next day to transfer that power into the hands of men who have never held it before. In Ireland, however, I conceive that it is now possible to find a system of qualification, by which provision would be duly made for the division of power between the two classes of inhabitants of that country, and by which the peace and the good government of those towns would be secured; and, conceiving this to be so, I am anxious to support any measure having such an object in view. On these grounds, then, and having supported the Poor Law Bill for Ireland, and hoping that the good working of that measure may afford the groundwork for a qualification adapted to this other measure, I supported this measure in the last Session, and did everything in my power to amend the Bill as sent up to your Lordships from the other House, so that when it left your Lordships it might go down to the other House again in such a shape as should be best calculated to attain the object I had in view, — namely, the good government of the towns of Ireland, — rather than the satisfaction of those views to which the Noble Lord (Lord Lurgan) has adverted with so much eloquence. Eloquence of this kind, however, I must confess, never makes any impression on my mind.

My Lords, I have no notion of a repeal of the Union, or of any measure of that kind,—the carrying of which, I think, must depend, in a great degree, on the Government of this country, where I hope always to see the Government strong enough to oppose and defeat the passing of such projects. But, with respect to the Bill before us, when the Noble Lords on this side of the House adopted the principle of election for the formation of these corporations, I was in hopes that those on the other side would have met them half way; and that, before now, we should have agreed on some system which might have given security for the results which we propose to obtain and have in view for Ireland, —and which I declare to be none other than the peace and good government of the country, and the contentment of every class of its inhabitants. This, my Lords, I expected and hoped; but here we are, on the 22d of July, for the first time in this Session, taking a measure of this kind into consideration,— a measure which contains 250 clauses — of which 124 clauses have never been before us previously — containing, as they do, very nearly 124 new principles; and I must say, that, feeling as I do about this Bill, were it for the reason alone which has been stated by the Noble and Learned Lord (Lord Brougham), I should be disposed to vote against the second reading. There is certainly not sufficient time to go through the whole Bill. I am perfectly aware of the misconstructions which may be put upon the conduct of public men, and the use which may be made of such misconstructions out of doors; but still I do not recommend your Lordships to reject the second reading of this Bill on the 22d of July. My Lords, the course I do recommend is, the considering of the measure in committee; and, if possible, the rendering it such a Bill as ought to pass, and as may be calculated to attain the objects we have in view. But I must say that many of the topics adverted to by the Noble Earl, who moved the second reading this day six months, have a very great effect on my mind; for I cannot avoid looking around me, — I cannot avoid seeing what is passing at Birmingham, and what is passing in other corporations, — I cannot avoid adverting to these effects of what is called "corporate reform" in this country, — and I cannot but think that these circumstances furnish stronger reasons than those which before existed, for observing all caution in effecting any change, and for taking care that the corporations of Ireland shall not be invested with those powers for mischief, which they will have under this Bill. If it do not come out of the committee much amended,—and if it do not come out such that I can vote for it, consistently with my ideas of what is security for good government in Ireland, and for the contentment of the people in general,—then I must vote against it in its future stages. With respect to the speech of the Noble Lord who last addressed the House, it is obvious that the Noble Lord — and I speak of him with the respect which is due to his character, and to the ability which he has manifested this night — does not know — I cannot help saying — much of the history of this measure, or he would not have talked about giving powers with respect to harbours, and watching and lighting, and so on. These are not the things intended to be provided for; but what is to be the result of the measure, as originally framed, is, the establishment of certain Roman Catholic corporations for what is called the municipal government of those towns to which the Bill applies; and to those corporations, I really believe, it is intended, by this Bill, to give as little to do as possible. The other Bills gave them more to do; but I believe that, now, her Majesty's Ministers will, before they have done with the Bill, become very desirous to cut down

the power to be given, as much as possible, and make that little still less. My Lords, if the Bill do not come out of the committee very materially altered, I shall most undoubtedly advise your Lordships to reject it; for this is not the time — the circumstances of the moment are not propitious — for entering into a discussion, by conference, with the House of Commons, upon a Bill of this description. It seems, at present, likely that Parliament will not sit for more than a fortnight longer; and I am sure that a fortnight is not sufficient to amend this Bill in such a manner as is necessary. Under these circumstances, I shall recommend your Lordships to vote for the second reading of this Bill, — passing by, for the present, the amendment of my Noble Friend, — to go into committee upon the measure, — there, to consider its provisions well, and to introduce such amendments as shall render it fit for the government of the corporations of Ireland, and produce contentment in that country. If it should not come out of the committee in such a shape as that good may be expected to result from its passing, then I would recommend your Lordships to adopt a motion similar to that made by my Noble Friend.

Several NOBLE LORDS. — Question, question!

The EARL of WICKLOW. — I beg to assure Noble Lords, who are so anxious that the House should adjourn, that it is not my intention to detain them long. My only reason for rising is, to guard myself against it being supposed that, in the vote which I shall give, I have been influenced by the arguments of the Noble Baron opposite. I admit that my Noble Friend spoke with great ability and eloquence; and it gives me great pleasure to think that a Noble Lord, coming from the country to which I belong, is so likely to be an ornament to this House. But my Noble Friend's arguments, so far from inducing me to vote for the second reading of this Bill, would, if I had previously had any doubt in my mind, have had directly the contrary effect; for though the Noble Baron spoke at some length, yet the whole sum and substance of his speech was this, — that your Lordships ought, in your course on this occasion, to be influenced by the apprehension of a renewal of the cry for "repeal" in Ireland. With respect to that cry, I beg to assure the Noble Lord that I entertain for it and its supporters the most sovereign contempt. I am satisfied that that cry never will assume a dangerous shape from the efforts of faction in Ireland, if those efforts be not prompted and encouraged by the madness of the people of England. Nor do I anticipate that danger which my Noble Friend on this side (the Earl of Roden) dreads will ensue, from the establishment of institutions which my Noble Friend expects will prove to be normal schools of sedition. I think that the best means of checking agitation, and diverting the minds of the people of Ireland from mischievous pursuits, will be, to supply them with proper occupation in the interesting subject of municipal regulation. I do not support this measure on the ground that it is demanded by the people. I care not in the least whether the people of Ireland desire the measure, or not. I should think the worse of them if they did not; for I cannot believe that any people would be so indifferent about those institutions which are the proofs of liberty: but I never will consent that any measure which it is thought necessary to adopt for the promotion of public liberty in this country, and the improvement of its institutions, should be refused to the people of Ireland. It has always been my desire that beneficial measures — more especially those which will extend popular liberty — should not be confined to the people of this country. Besides, I consider this Bill as a corollary from the Act of Emancipation; and I cannot imagine how those Noble Lords who supported that measure, can deny their assent to one which may be regarded as a direct consequence of it. I wish to say, that, having determined to concede to the people of Ireland the benefit of free municipal institutions, I shall not be induced, in committee, to make any alterations which, while in semblance bestowing those institutions, will, in fact, take them away. It has been said, my Lords, that this measure is designed to transfer political power from the hands of the Protestants into those of the Catholics; but I see nothing in it to warrant this inference. In my opinion, considerations of party ought not to sway us in attempting to remodel these institutions. No doubt, these institutions, at their first establishment, were intended to confer political power; but the time is past when we can legislate on such principles. There are no provisions in this Bill which will take away power from any individuals, on account, merely, of their principles. If the Bill should have such an effect, in any case, power would be obtained in proportion to the influence of the candidates. If the greater share of power be found to rest

in the hands of the Roman Catholics, it will so happen because they are the most numerous party. Some Noble Lords appear to be hostile to this Bill, because it has not come up to us at a proper time. This might be a good argument in the case of a Bill which could have originated with your Lordships; but the present Bill is one that comes peculiarly within the province of the other House, and of which the representatives of the people are the most fitting judges. I perceive that this Bill contains many improvements on that of last Session; and it appears, from what the Noble Viscount opposite has said, that it has been the object of the framers to meet the wishes of your Lordships. If the insertion of the new clauses, which so much swell the bulk of the Bill, arises from the opinions expressed by your Lordships last year, certainly that ought to have great effect with your Lordships, and to weigh very strongly in inducing you to adopt it. The Noble Duke below me has said that the total abolition of the Irish corporations would be a great improvement. I am not disposed to deny this,—believing that in the present state of society, these institutions are by no means so necessary as they have been, heretofore; but I never will be a party to enforcing this principle in Ireland, when it has not been enforced in England. Before I sit down, I beg to suggest to Noble Lords opposite, that, before they fix a day for going into committee on this Bill, they should take sufficient time to make themselves masters of its provisions; so that the House may not, on this occasion, have reason to complain, as on other occasions they have done, that those Noble Lords, whose duty it is to answer objections, and explain difficulties in the different clauses of the Bill, are totally unable to defend their own measure when it comes before you.

The House then divided, when there appeared —

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The Bill was then read a second time, and committed to a committee of the whole House on Thursday next; and the Lords summoned.

METROPOLIS POLICE BILL.

The Order of the Day for the second reading of this Bill, and the Lords to be moned, having been read,—

VISCOUNT DUNCANNON said:—As I intend to propose that this Bill be referred to a select committee, where, alone, it can receive proper consideration, I will not, now, enter into its details.

The DUKE of WELLINGTON.—I beg to ask the Noble Viscount, whether there is a clause in the Bill for providing a body of police in towns which may require their assistance?

VISCOUNT DUNCANNON.—There is; and the body of police which will be sent out of the metropolis is to be paid for by the towns which may, at any time, require their assistance. The Bill will enable parishes, not in the district of the metropolis, upon an application to the Government, to have a police force formed at their own charge and expense.

The Bill was then read a second time, and referred to a select committee, to consider and report. The Lords following were named of the committee; and the committee to meet on Wednesday next, at one o'clock:—

The Lord Privy Seal,
The Duke of Richmond,
The Marquess of Salisbury,
The Earl of Devon,
The Earl of Radnor,
The Earl of Clarendon,
The Earl of Chichester,
Viscount Torrington,
The Lord Bishop of London,
Lord Lilford,
Lord Fitzgibbon,
Lord Ellenborough,
Lord Wharncliffe,
Lord Lyndhurst,
Lord Brougham and Vaux,
Lord Hunsdon,
Lord Fitzgerald,
Lord Hatherton,
Lord Wrottesley,
Lord Stuart de Decies,
Lord Colborne.

BANKRUPTS' ESTATE (SCOTLAND) BILL.

Order of the Day for receiving the Report of the amendments, and the Lords summoned, read; amendments reported accordingly; and Bill to be read a third time to-morrow; and the Lords summoned.

HIGHWAYS AND TURNPIKE ROADS RETURNS BILL.

Read a third time, and passed; and sent to the Commons.

EXPORTS (INDIA) BILL.

House in committee (according to order); Bill read, without amendment; and to be read a third time on Thursday next.

BANKRUPTCIES.

On the motion of the EARL of DEVON, ordered to be laid before the House — Return of the amount of fees under the Act of 1 & 2 Geo. IV. c. 115., for building offices for the transaction of business in bankruptcy, received by the registrar appointed under that Act for the building fund, in each of the years 1836, 1837, and 1838; and of the amount of fees received by such registrar in each of such years for his own use: And, also,

Return of the amount of fees received by the Clerk of Inrolments in Bankruptcy in each of the years 1836, 1837, and 1838, and how the same have been applied.

CHESTER CONSISTORIAL COURT AND CHANCERY COURT OF YORK.

The LORD CHANCELLOR acquainted the House that the clerk assistant had received, by post, from the registrar of the Consistorial Court of Chester, a statement of the number of causes of correction of clerks heard and determined in the Consistorial Court of Chester, from the 1st of January, 1829, to the present time, showing the sentences therein pronounced, and whether appealed from; and, also, from the deputy registrar of the Chancery Court of York, a similar statement from the Chancery Court of York, together with a statement of the number of such causes appealed to the said court, within the same time (pursuant to order of the 8th instant); and the same was ordered to lie on the table.

IMPRISONMENT FOR DEBT BILL.

Petition of William Collins, of Bath, sheriff's officer, complaining of the loss of emolument in consequence of the operation of the Imprisonment for Debt Bill, and praying for compensation. — Read, and ordered to lie on the table.

PRISONS BILL.

Petition against the clause permitting the appointment in prisons of Roman Catholic chaplains and other teachers of religion whose tenets differ from the principles of the established church, — of inhabitants of Little Eaton. — Read, and ordered to lie on the table.

CHURCH DISCIPLINE BILL.

Petition against, — of clergymen of the Anglican Church, Colchester. — Read, and ordered to lie on the table.

SMALL DEBTS.

Petition for the adoption of a measure for the better recovery of, — of gentlemen, yeomen, tradesmen, and others of certain parishes comprising the Westbury upon Severn union. — Read, and ordered to lie on the table.

TITHES COMMUTATION ACT.

Petition taking notice of a Report made by the Tithe Commissioners, which regulates the manner of adjusting claims for addition to, or reduction from, the seven years' average, and praying for regulation as to rating, — of landowners of the county of Kent. — Read, and ordered to lie on the table.

STANNARIES COURTS BILL.

Third reading (which stood appointed for this day) put off to Friday next.

CUSTODY OF INFANTS BILL.

Committee (which stood appointed for this day) put off to Thursday next; and the Lords summoned.

PRISONS BILL.

Report of amendments (which stood appointed for this day) put off till to-morrow; and the Lords summoned.

PAPERS.

Return of the net revenue and expenditure of the province of Lower Canada,

from the year 1835 to the year 1838, both inclusive; showing the expenditure in each year for the support of the Civil Government and for the administration of justice, the expenses of the Legislature, and other expenses under appropriations of the Legislature for general purposes, as well as the appropriations made by the Governor and Council under the Act of the 1st and 2d Victoria, c. 9.; distinguishing the several heads of receipt and expenditure in each year.—Delivered (pursuant to Address of the 12th instant), and to be printed.

Abstracts of the general statements of the income and expenditure of the several turnpike trusts in England and Wales, from the 1st day of January, 1837, to the 31st day of December, 1837, inclusive; together with a general abstract.—Delivered (pursuant to Act), and to be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Manchester and Birmingham Extension (Stone and Rugby) Railway Bill.—Time further enlarged for committee to report till Wednesday, the 31st of July.

Belfast Water (No. 1.) Bill. — House informed, that William Chaine had attended the committee; order for his attendance on the House read, and discharged.

Bury (Lancaster) Small Debts (No. 2.) Bill.—Read a second time, and committed to Mr. Richard Walker and the South Lancaster list.

Chesterfield Small Debts (No. 2.) Bill; Wirksworth Small Debts (No. 2.) Bill; Belper Small Debts (No. 2.) Bill; Glossop Small Debts (No. 2.) Bill; Eckington Small Debts (No. 2.) Bill; Grantham Small Debts (No. 2.) Bill; Oldham Small Debts (No. 2.) Bill; Warrington Small Debts (No. 2.) Bill; Hatfield (York) Small Debts (No. 2.) Bill; Nottingham and Mansfield Small Debts (No. 2.) Bill; Rochdale Small Debts (No. 3.) Bill; Aberford Small Debts (No. 2.) Bill; Rotherham Small Debts (No. 2.) Bill; Newark Small Debts (No. 2.) Bill. — Severally read a third time, and passed.

Small Debts.—Petition from the Westbury upon Severn union, for the adoption of a measure for the more easy recovery thereof. — To lie on the table.

PUBLIC BUSINESS.

PUBLIC PETITIONS COMMITTEE.

Thirty-seventh Report brought up, and read. — To lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely,—

Stage Coach Duties,—By Lord Worsley, Sir J. Y. Buller, and Mr. T. Attwood, for repeal,—from Shrewsbury, &c.; Bedford, &c.; Middlesex; Leeds and Sheffield; Norwich, &c.; and Devon, &c.

Postage, — By Mr. T. Attwood, Mr. Bainbridge, Lord Seymour, Mr. Bannerman, and Mr. Hume, for a low and uniform rate,— from Strathaven; Twickenham; St. James, Westminster; Dublin; Ealing; Brentford; New Brentford; Errol; Birmingham (two petitions); Taunton; Aberdeen; Totnes; John Britton; and Manchester.

By Mr. O'Connell, from Dublin,—against the use of stamped paper or envelops.

Poor Employment, — By Mr. T. Attwood, from Birmingham, — for inquiry into the plans of Mr. Robert Owen.

Birmingham Riots, — By Mr. T. Attwood, for inquiry,—from Brighton (chairman of a meeting); and Glasgow (chairman of a meeting).

Bank of Ireland Charter,—By Sir W. Somerville and Mr. O'Connell, against renewal,— from Kingscourt; Carrickmacross; and Dublin (chairman and secretary of a meeting).

Church Establishment (Canada), &c. — By Mr. Plumptre,—from Bishop Middleham, for extension.

Education (Ireland),—By Mr. Plumptre, — from Harold's Cross, Dublin, against the present system.

Education,— By Mr. Hawkins,—from Wareham, in favour of the proposed scheme.

Army, — By Mr. E. Tennent, for enabling Presbyterian soldiers to participate in the services of their church, — from Belfast; and Anahilt.

Collection of Rates Bill,—By Dr. Lushington and Major Wood, against,— from the chairman and clerk of the vestry of St. Matthew, Bethnal Green; and All Saints, Poplar.

Church of Scotland, — By Mr. MACAULAY, — from Edinburgh, in support.

Church of England, — From Bradford (York), for the adoption of measures for increasing the efficiency thereof.

Maynooth College,—By Mr. PLUMPTRE, against further grant, — from Liverpool; and Alverstoke.

Royal Academy,—By Mr. E. TENNENT, of students of the Royal Academy, for discharging the order of the 14th of March last, for a Return relative thereto.

Answer to Addresses for papers (19th of July) reported.

RETURNS, PAPERS, &c.

Turnpike Trusts. — Returns for 1837, presented (by Act). — To lie on the table.

Alexander Humphreys. — Return presented — of the total expense attending the trial of Alexander Humphreys, claiming the title of the Earl of Stirling (Address 27th of June). — To lie on the table.

Unlawful Meetings. — Copy presented — of letter from the Secretary of State for the Home Department to Colonel Rolleston, M. P., on the subject of unlawful meetings (Address 19th of July). — To lie on the table.

State of Ireland. — On the motion of Mr. O'CONNELL, Message to the Lords, to request that their Lordships will be pleased to communicate to this House a copy of the Report and Evidence before the Committee on the State of Ireland.

Newspaper Stamps. — On the motion of Mr. BARING, Returns ordered,—

Of the number of newspaper stamps, at one penny and a halfpenny, issued to the several newspapers in England, Scotland, and Wales, from the 1st day of April to the 29th day of June, 1839, inclusive; specifying each newspaper by name, and the number of stamps issued each month during that period to each newspaper.

Of the number of stamps issued to each newspaper in Ireland, in the three months ended the 30th day of June, 1839.

Returns presented accordingly. — To lie on the table.

POOR LAW COMMISSION CONTINUANCE BILL.

LORD JOHN RUSSELL. — I now give notice, that when the House goes into committee on the Poor Law Commission Continuance Bill, which I propose shall be on Friday, I shall bring forward a clause different from that which has been carried as an instruction to the committee by the Honourable Member for Sussex (Mr. Darby), — namely, a clause enabling the guardians of Poor Law unions to relieve able-bodied labourers (married before the passing of the Poor Law Amendment Act), by receiving a portion of their children into the workhouse. It is my intention and my wish to proceed with the Bill, — provided the House will agree to it, — in such a state, as still to preserve the principles of the Poor Law Amendment Act.

Committee deferred till Friday.

INCREASE OF MILITARY FORCE. — BIRMINGHAM POLICE.

LORD JOHN RUSSELL. — I also wish to state to the House — and I think I had better do so in a continuous form — the propositions which will be made by the Government relative to the present state of the country in certain districts. It is the intention of her Majesty's Government to lay on the table of the House additional estimates, to allow an increase of the infantry of the line, from 739, the present strength of each regiment, to 800. That estimate will provide for an increase of the army to the extent of about 5000 men; the sum required for which, till April next, will not exceed 75,000*l*. The continual calls for military aid, which I have received from various parts of the country, and especially from the northern parts, and the impossibility, — if I may say so, — and, at all events, the danger and inexpediency, of diminishing our force in the colonies, and more especially in Canada, make it necessary to ask for this additional force before Parliament separates. I have, likewise, received a letter from the mayor of Birmingham, addressed to me, privately, but of a public nature, stating that it is the opinion of all the magistrates there, that nothing can be done so conducive to the permanent peace of that town as the establishment of a local police force; but that, in the present state of things there, owing to the disturbed state of the town, and owing to what has lately occurred with regard to the corporation, they do not think they could proceed to levy a rate for that purpose so soon as it would be

requisite that they should. It is, therefore, my intention to move a resolution, to-morrow, to enable the Lords Commissioners of her Majesty's Treasury to advance a sum, not exceeding 10,000*l.*, to be applied for the purpose of establishing a police force in the town of Birmingham, to be repaid by a borough rate to be levied on that town. It is likewise my intention, on Wednesday, to ask for leave to bring in a Bill to enable county magistrates to establish a constabulary force for the permanent peace and protection of counties in which the same may be required. The county magistrates at present have the power to swear in special constables, in cases of breach of the peace and felony; but they have not the power to provide means to defray the expenses, when such persons are called upon to act. I intend to bring in a bill to remedy that defect. I have thought it better to state this much, at present, with regard to the intentions of the Government; and I shall explain the measures, at large, when I bring them respectively under the notice of the House.

SIR EARDLEY WILMOT.—I wish to put a question to the Noble Lord. The Noble Lord, as well as myself, must have seen by the public prints, that the highest legal authority in this kingdom has declared it to be his opinion that county magistrates have no concurrent jurisdiction in boroughs. The first part of the 111th section of the Municipal Corporation Act gives a concurrent jurisdiction to county magistrates in all boroughs which have no quarter sessions. The last part of the clause exempts from it those boroughs which possess quarter sessions. I therefore wish to know whether Birmingham, which has no court of quarter sessions, can be considered as exempt from the concurrent jurisdiction of the county magistrates.

LORD JOHN RUSSELL. — I am sorry that my Learned Friend the Attorney General is not in his place to answer the question with that authority which belongs to his official position. I may state, however, that I understand the opinion of the Attorney General, and of my other Learned Friend, the Solicitor General, to be, that the magistrates of boroughs, and recorders holding courts of quarter sessions, have exclusive jurisdiction only in cases where quarter sessions were held previous to the passing of the Municipal Reform Act; but, that in all the boroughs in which such grants have since been made, —and still more where no court of quarter sessions yet exists in the borough,—the county magistrates retain their jurisdiction concurrently with the borough magistrates.

SIR EARDLEY WILMOT.—I am glad to hear that opinion from the Noble Lord; and it is the more important, because it is distinctly in contradiction to the opinion of the Lord Chief Justice of England. Had I been in Birmingham, I should have acted as a magistrate without hesitation; but, after the opinion of so high a legal authority, I should have felt greatly at a loss how to proceed in such a case.

CANADA.

Mr. LANGDALE. — Understanding that there have been recent arrivals from America, I wish to ask the Under Secretary for the Colonies, whether he has received any account respecting the existence of Orange lodges in Canada? and, also, whether the Governor of Upper Canada has taken any measures to prevent the spread of Orangeism in that colony?

Mr. LABOUCHERE.— I am happy to be able to say, from despatches which have been just received, that Sir George Arthur, the Governor of Upper Canada, has addressed a circular letter to the magistrates, desiring them to discourage the existence of Orange lodges; and to take all proper precautions that no processions shall take place on the 12th of July, which might give offence to any class of her Majesty's subjects.

SPANISH LEGION.

CAPTAIN BOLDERO.—It will be in the recollection of the Noble Lord the Secretary of State for Foreign Affairs, that, in June, 1838, a resolution was come to by this House respecting the claims of the Spanish Legion, and a humble Address was presented to her Majesty in consequence, beseeching her Majesty to use her best endeavours to obtain a settlement of those claims. Since that period, a sum of 280,000*l.* has been acknowledged to be due to these claimants,—claims to that amount having been decided, and certificates issued in consequence, signed by the Spanish ambassador; but, owing to the delay of payment, these unfortunate men have been obliged to dispose, in many instances, of these certificates, at the rate of 20*l.* for a bill of 100*l.* Under those circumstances, I wish to ask the Noble Lord what further steps he intends to take to enforce those claims?

VISCOUNT PALMERSTON. — The first step which was taken was, to examine the accounts, and determine what was due to each claimant. This was settled by two commissioners, — one appointed by the Spanish ambassador, and the other by a committee of the claimants, — the Spanish minister, and a general officer in the British service, being the ultimate referees. Claims have been ascertained, as stated by the Gallant Officer, and certificates issued in consequence; but, owing to the extreme penury of the Spanish Government, it is not easy to obtain payment of them; and I fear that some of those certificates have been disposed of at less than their nominal price, and below what, I trust, will ultimately prove their real value. I am sorry to find that persons do dispose of their tickets at an under value, because I think they may be ultimately paid in full. At all events, no efforts shall be omitted by her Majesty's Government to press the payment of these claims upon the Spanish Government; but the Honourable and Gallant Member must be aware that there are other claims, to the amount of between 60,000*l.* and 70,000*l.*, which have a right of priority.

CAPTAIN BOLDERO. — I hope that the claims of the Legion, which went out under the sanction of the Noble Lord, will have priority over those of the merchants in the city, who have advanced money to the Spanish Government.

LORD PALMERSTON. — I alluded, not to the claims of persons who have advanced money to the Spanish Government, but to those who have claims on that Government in consequence of acts of violence on the part of the Spanish authorities, and which claims were guaranteed to these individuals by treaty.

COMMERCIAL TREATY WITH SPAIN.

LORD VISCOUNT SANDON. — I wish to ask the Noble Lord the Secretary of State for Foreign Affairs, what steps have been taken towards the accomplishing of a treaty of commerce with the Spanish Government?

VISCOUNT PALMERSTON. — I am sorry to say I am not able to give a satisfactory answer to that question. Great efforts have been made by her Majesty's Government, to induce the Government of Spain to enter into a commercial treaty with England, which everybody knows would be attended with very great advantages to the Spanish people. Unfortunately, almost all articles of foreign produce are prohibited in Spain, and imported by smugglers; and, consequently, a large amount of revenue is lost to that kingdom. In such states, where old interests exist in connection with abuses, it is extremely difficult to overcome the latter. Catalonia is sometimes spoken of as a great manufacturing country; but the truth is, that the articles imported into that district, are imported clandestinely, and sold by the merchants there as articles of home manufacture. Considering, then, the great prejudice which exists in Spain against the introduction of foreign goods, I cannot hold out much expectation that, during the civil war, any commercial treaty between this country and Spain is likely to be soon effected.

CORN LAWS.

Mr. EWART.—I wish to ask the Noble Lord when the correspondence with our consuls abroad, relative to the prices of foreign corn, will be laid on the table of the House?

LORD PALMERSTON. — These papers are in preparation; but, owing to the limited strength of the establishment in my department, and the constant calls upon their time, they have not been able to complete their preparation.

CONSTABULARY (IRELAND) SALARIES AND EXPENSES.

Resolutions reported: —

1. That the salaries of the officers and men, and the other expenses of the Constabulary Reserve Force in Ireland, shall be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

2. That the Lord Lieutenant of Ireland be empowered to grant an annual salary of 1200*l.* (in lieu of the salary now fixed by law) to the present Senior Deputy Inspector General of the Constabulary Force in Ireland."

Motion made, and question put, "That these resolutions be agreed to."

Mr. W. S. O'BRIEN. — It was stated that the effect of the Irish Constabulary Bill would be, to reduce the expense of the police; whereas that expense has gradually increased. The Government should endeavour to keep down the expense, and to accede, if possible, to the

suggestion of the Honourable Member for Kilkenny, — that it should be brought, annually, under the control of Parliament, instead of being thrown upon the Consolidated Fund.

Mr. GOULBURN. — I understood that the debate was to be taken on the second reading of the Bill. The object of this Bill is to enable the Lord Lieutenant to raise a permanent force under the name of a Reserved Police Force, not for any particular county, but to be placed at the discretion of the Lord Lieutenant, to act in any part of the country. I object to that arrangement, and shall certainly take the sense of the House against it at a future stage.

Mr. HUME. — I have watched for an opportunity of discussing this Bill, which is a very important one, but have not yet found any. It sanctions an increase, in the constabulary force, of 200 men, with appropriate officers, to be paid out of the Consolidated Fund. I totally object to keeping up a force in this way, without the knowledge, and free from the control, of the House. If Parliament be disposed to alter the constitution of the country, and give up its power of paying an armed force by an annual vote, let them do so; but let us have the subject fully discussed. This Bill was introduced without notice. It purports to be a Bill for the regulation of the constabulary force, whereas it is a Bill for the increase of that force. I do not mean to object to the increase of force; but I strongly object to paying in any way which shall deprive the House of Commons of the power of determining, annually, whether the force shall be kept up. I therefore shall oppose the motion for agreeing to these resolutions.

Mr. GOULBURN. — Although I object to the resolutions, I am disposed to reserve my opposition for the second reading of the Bill, as the vote has been brought up on the understanding that there should be no division.

Mr. HUME. — If I have assurance of a full discussion at a future stage, I will also defer my opposition.

Mr. WAKLEY. — I think it would be much better to oppose the proposition at once. The question is, whether payment shall be made out of the Consolidated Fund, or by an annual vote? The House is now more full of Members than it is likely to be on any other occasion during the remainder of the Session; and I therefore think we should proceed to a division, at once, upon that point.

Mr. MORE O'FERRALL. — I hope the Honourable Member will not press the House to a division, as the Noble Lord the Secretary for Ireland is not present to explain the grounds on which the proposition is made. Full opportunity for discussion will be given at a future stage. The measure will not lead to any increase, but rather to a diminution, of expense. There are, at present, four *depôts* in the four provinces of Ireland, in which several men are always in training for the purpose of supplying vacancies in the police force. Instead of that, it is now proposed to have one, only, and that in Dublin, from which men may be sent wherever they are wanted, — by which a considerable saving will be effected.

Mr. HUME. — I will not, under the circumstances, press my opposition at present.

Mr. WAKLEY. — The proposition is one which is fraught with evil consequences, and I cannot consent to withdraw my opposition to it on the present occasion.

Strangers were then ordered to withdraw, but no division took place.

SIR R. PEEL. — Although this is a question relating to Ireland, yet, after the intimation which has been given by the Government of the state of that country, I cannot consent, without much more discussion, to extinguish — as a majority on this point would extinguish — any measure connected with the maintenance of the public tranquillity. It is proposed that this measure should be discussed on the second reading. The Honourable Member for Kilkenny has wisely withdrawn his opposition for the present; and I am sorry that the Honourable Member for Finsbury will persist in his.

Mr. WAKLEY. — I must say, in consequence of what has fallen from the Right Honourable Gentleman, that I am not opposed to the increase of this force. No man is more anxious than I am for the preservation of the peace; but what I object to is, the mode of payment. As I understand, however, that there will be a full discussion taken on a future occasion, I shall offer no further opposition at present.

SIR R. PEEL. — I beg to say that I had not the slightest intention of imputing

to the Honourable Member for Finsbury, any disposition to oppose measures necessary for the preservation of the peace.

Mr. FRENCH. — I hope it will not be imagined, from what has fallen from the Right Honourable Baronet, that Ireland requires an additional force. The measure proposed by the Government is merely a measure of economy, and not at all called for by any peculiar condition of that country.

Resolutions agreed to; instruction to Committee on Constabulary Force (Ireland) Bill, that they have power to make provision accordingly.

REGISTRATION (COURT OF APPEAL) BILL.

Mr. C. BULLER. — Sir, in rising to move that the Order of the Day for going into committee on this Bill be postponed for three months, I think it due to many Honourable Members on both sides of the House, who have expressed their approbation of the Bill, to state — that my reason for abandoning it is, not simply the lateness of the Session, but that I do not approve of pushing the Bill in its present form. I have come to the conclusion, with the Honourable Member for Bridport (Mr. Warburton), that an efficient Court of Appeal cannot be formed without an entire alteration of the system of revising barristers and registration of the country. It is a question which, I believe, the Government intend to bring forward next Session; when I hope they will make provision for the establishment of a good Court of Appeal.

Committee put off for three months.

POSTAGE DUTIES BILL.

Motion made by the CHANCELLOR of the EXCHEQUER, and question put, "That this Bill be read a second time."

Mr. GOULBURN.—Having stated my opinions fully on a former occasion, I do not intend, now, to discuss the principle of this Bill. The Bill was only delivered this morning, — and there has not, therefore, been much time given to us for examining it; but from what I have observed in looking over it, I must declare that I never saw a more remarkable specimen of a summary way of dealing, not only with a question of revenue, but with other questions of the greatest importance, than this Bill affords. It is nothing more nor less than handing over a particular tax to the Treasury, to be dealt with as they like. They are to have the power to reduce the postage duties; and, if that will not suit their views, they may raise them without limitation. I do not see, if such a measure be adopted, why we should not, in the same compendious way, dispose of the whole business of the Commissioners of Customs or Excise, by giving a general power over them to the Treasury. It has been stated, elsewhere, that the Treasury has already the power of reducing the rates of postage. That is perfectly true; and I wish particularly to call the attention of the House to this subject; for it affords a remarkable instance of the way in which the support of this House can be unconsciously obtained to measures, of which the operation is not intended or foreseen. My Right Honourable Friend the Chancellor of the Exchequer has said that he does not think it wise to avail himself of this power of reducing postage, which the Treasury possesses, in order to carry out his plan. I entirely concur in the wisdom of not doing so; for, if it had been attempted, there would have been an outcry from every reasonable man in the country against it. I shall now state to the House how that power was acquired by the Treasury. In 1837, there passed an Act regulating the postage rates in Great Britain. That Act proceeded on the old and true constitutional principle, and laid down the rate of postage for every letter conveyed inland, according to the distance it might have to be conveyed. It gave no power to the Treasury to remit or increase any part of the postage duty. It stated the specific charges which should be made for specific distances. That Bill passed on the 12th of July, 1837; and the date, in this case, is important. On some day in July, notice was given to the House that it was expedient to regulate East Indian postage. A resolution was afterwards submitted to the House, that the postage from the East Indies, by way of Bussorah and Suez, should be fixed at a particular rate. Not a word was said upon the resolution; and no one imagined that it had any reference to anything but East India postage. The resolution passed without observation, and was reported without observation. A Bill was brought in founded on the resolution; and I certainly never expected to find in it any power of reducing the inland postage of Great Britain. The Bill, however, was brought in, with an accession to its title. The title is, "An Act to impose Rates of Postage on East Indian Letters, and to amend certain Acts relating to the

Post Office." But the resolution on which it was founded, having related to East Indian postage, alone, and not a word having been said at any stage of the Bill, I must say that the power given by that Bill to the Treasury, over English postages, is a power which was obtained by deceiving the House in the first instance. The provision giving this power is a most extraordinary one. It is to the effect "that the Postmaster General may, at any time, with the consent of the Lords of the Treasury, reduce all or any of the rates of postage on colonial or inland letters, or any other British postages, as he and the Lords of the Treasury shall deem advisable." It is the power so given, of which my Right Honourable Friend has declined to avail himself for carrying out his plan; and I entirely concur in the wisdom of his course. So much for the mode in which this power was obtained. With regard to the present Bill, I have only to say that, as applying to an arrangement of so complicated a nature, I have never seen such a measure submitted to Parliament; and I have much less expectation of a successful issue from it, than I entertained when the proposal was first brought forward. We are about, by this Bill, to risk a revenue of 1,500,000*l.*, and to intrust to the Treasury the mode in which that risk shall be incurred; in fact, to intrust the whole conduct of the operation to the superior judgment of the Treasury. We are about to give the Treasury enormous power, — power to reduce or augment postage, — power to interfere with the privilege of franking, either partially or wholly. They may take it away from the House of Lords by an order in the *Gazette*, while they may leave it to the House of Commons. They may take it from county Members, and leave it with borough Members. They may impose any other restriction they may think proper. The House is also going to give the Treasury a discretion in the question of stamped covers, or stamps. If I understand the Bill rightly, it contains no penalty for the forgery of these stamps. Is it to be understood that the Treasury, in addition to these other excessive powers, are also to have that of affixing penalties to the forgery of the stamps? I think the transfer of these enormous powers to the Treasury deserves the serious consideration of the House. It is a mode of dealing with an important branch of the revenue, which might be fatal to the best interests of the country.

Mr. F. BARING. — Sir, I regret that the Right Honourable Gentleman, instead of addressing himself to the measure immediately before the House, should have adverted to a former transaction, on which he appears to be very imperfectly informed. The Right Honourable Gentleman has spoken of the manner in which a clause was introduced into a certain Bill. I introduced that clause, and will state distinctly on what grounds. The Right Honourable Gentleman is not aware that the clause was taken from a former Bill; but if he will look to the 5th and 6th of Will. IV. c. 25. s. 7., he will find it. In consequence of the transmission of letters by railway, it happened that letters addressed to particular places were carried over a greater number of miles than formerly, while there was a great gain in the time occupied by their transmission. According to the scale of charge, the postage, being regulated by the number of miles, would be, in such cases, increased; and the clause was introduced to prevent constant variations in the rate of postage, by giving power to the Treasury to adjust the rates without reference to the number of miles. By this means the inhabitants of several districts received their letters by the quicker conveyance, without any increase of postage. A discussion took place when the Bill was brought forward, although the Right Honourable Gentleman may not be aware of it. The clause has been acted on by the Treasury, but only for the purpose of getting rid of those smaller grievances which it was intended to remedy. But we never contemplated using it for so great a reduction as is now proposed to be made; and I, for one, would never have consented to any such application of the power. If the House place confidence in any department of the executive Government, so far as to intrust it with large discretionary powers, it is the more incumbent on that department not to exercise them beyond the intention of Parliament. But I believe it will sometimes happen, from the circumstance of the hands of a Government being tied up, that smaller grievances are often left unredressed; and that, on the whole, it is better to leave some little discretionary power with the Government. With regard to the power which the present Bill proposes to give, I admit that it is very considerable. It has been attempted, however, in framing the measure, to introduce as many checks as possible, in order that the House and the country may have security for the proper exercise of the power which is to be given. If there be any other check, which any other Honourable Gentleman desires to suggest, — provided, only, that it do not take away from those powers which are absolutely necessary for carrying the plan into effect, — I shall be perfectly ready to

adopt it. Any suggestion of this kind shall receive full consideration. But, after all, the powers granted by the Bill are not excessive. The Bill proposes that we should adopt the plan of pre-payment and stamped covers, in such way as the Treasury may think proper, and to be carried into effect at the time and in the manner which the Treasury shall think most advisable. I think it absolutely necessary, in a matter of this kind, to give such discretionary power. It may be very easy to say, in an Act of Parliament, that on a certain day, a certain specific arrangement, of a complicated nature, shall take place in all parts of the country at once. But Honourable Members who may approve of such a plan, cannot be aware of the extreme difficulty of making changes in departmental arrangements. By the change now proposed,—attended as it will be by a large increase of business,—we risk the breaking down of the department; which would not only cause inconvenience to the public service, but would occasion the ruin of private individuals. A gentlemen lately mentioned to me that he lost 3000*l*. by twenty-four hours' delay of a single letter. To prevent the breaking down of the department, it is absolutely necessary that this discretionary power should be given as to the time and the manner of carrying the plan into effect. Thus, for instance, by fixing a low rate of postage for letters put in before a particular hour, and a higher rate for those put in after, there might be provided a check on the pressure of business. By management of this kind, which requires much discretionary power, the influx of correspondence might be safely dealt with. This would be better than opening the flood-gates to the correspondence of the empire all at once. The Right Honourable Gentleman has said, that the Treasury will have power to stop the privilege of franking by the House of Lords, and yet to leave it with the House of Commons. I believe the discretion to be given to the Treasury is intended to refer to official franking; but I have no objection to the introduction of a clause to prevent any improper use of this power. As to the Treasury having power to exact penalties for forgeries, the Right Honourable Gentleman does not seem to have given his usual careful consideration to this point, or he would have been aware that a clause in the Bill makes the new stamps a part of the general stamp duties. Forgeries of those stamps will, therefore, be liable to the same penalties which, by law, are affixed to the forgery of any other stamps. I believe I have, now, gone through all the points to which the Right Honourable Gentleman has adverted, and will not further trouble the House.

Mr. GOULBURN. — Sir, I beg to say that, for the statement I made, I referred to the ordinary register of the proceedings of this House,—the *Mirror of Parliament*, — and I there observed that the Bill, to which the Honourable Gentleman has referred, was read at a late hour, without any discussion whatever.

SIR R. INGLIS. — Sir, when the Honourable Secretary for the Treasury commenced his speech, I thought he had discovered something which would completely overturn my Right Honourable Friend's argument. However, I find he has done no more than admit the facts of which my Right Honourable Friend complained. I doubt whether it would be fitting to give to any Chancellor of the Exchequer, or Secretary of the Treasury, the power which the Bill on the table gives. I contend that the power to alter the rates of postage could not constitutionally be confided to any individuals. There is nothing in the Bill to prohibit the Treasury from taking away the privilege of franking from one House of Parliament, and continuing it to the other; or from taking it away from one class of the Members of that House, and allowing another class to retain it. I do not accuse the Right Honourable Gentleman opposite of entertaining such an idea; but I think that, to accuse him of only bringing in a Bill which gives him a power of this nature, is a sufficiently severe censure on any Government. Does any Member of this House believe that this Bill receives the cordial support of the Government? If there be a Member who believes that, let him apply to the Treasury bench, and he will find that this Bill has been forced upon the Government by a certain class of their supporters. I believe that this is the first measure brought forward against the direct authority of those functionaries of the Government who are officially concerned in it. Will the Chancellor of the Exchequer say whether the functionaries of the Post Office are, or are not, opposed to this measure? Does not the Right Honourable Gentleman know that this measure is not supported by that part of the Government who are connected with the fiscal arrangements of the Post Office? It has been said that this measure will benefit the poor; I feel convinced that it is altogether brought forward for the benefit of the great traders

and merchants. If it were brought forward on sound moral grounds, it would receive more general support from this side of the House. The measure is brought forward partly on Political Union grounds, and partly and mainly for the sake of great commercial establishments. Honourable Members take credit to themselves for giving up their privilege of franking, for the purpose of carrying out this measure. If I believed that it would benefit the country generally, and the poorer classes in particular, I would not hesitate to do so, for my own part; but, believing that this measure will not effect that object, I am not willing to surrender my franking privilege. I ask the Chancellor of the Exchequer whether he cannot try this experiment, and yet leave to Members of Parliament the privilege they now enjoy? I would ask the great calculator of this House, would not his parliamentary privilege, even at 1*d.*, be worth 15*l.* a-year? I would ask him, is he prepared to sacrifice that sum for the benefit of the poor? I am not anxious to claim so much merit; I will not do it;—I do not shrink from avowing that I wish to maintain my privilege. I believe that Government have been disagreeably disappointed in seeing this measure carried. I believe that the Government would have been perfectly satisfied with the glory and the grace of the concession, without the risk of the triumph. That triumph they have unfortunately gained; but I trust that, at another stage of this measure, they will, happily for themselves, and still more so for the country, be deprived of this temporary triumph. I am sure that the present state of the revenue, and the present state of the affairs of England, are not such as to justify us in incurring any risk to the revenue,—still less the voluntary abandonment of a revenue so large, and collected so easily, as this tax is. It is said that the Post Office is not a fit subject of revenue, and that we ought not to levy a tax upon the interchange of affection and feeling; but I think it is too late to use this argument, with a deficient revenue, an increasing expenditure, and the country in a state that requires stronger measures than have been required for the last ten years. I have never heard it suggested,—although I think it should be a material element in the consideration of this question,—that, although the conveyance of a letter from London to Edinburgh costs the Post Office only $\frac{1}{12}$th of a penny, it would cost an individual several shillings. You are very late in considering this question of abolishing postage. Why was it not thought of in the times of Charles II., of James, and of William III.? But, no; you now attack, it with a deficient revenue, the country being in a state requiring increased expenditure. I trust, under such circumstances, that some other Honourable Member will be found to oppose this Bill; but certainly, if I stand alone, I will divide the House against the second reading.

LORD SEYMOUR.—Sir, I differ entirely from the opinion expressed by the Honourable Baronet, as I believe that this Bill will be of very great benefit to the country. From reading the evidence, I am convinced that it will be of general benefit to all classes of the community. I do not wonder that the Honourable Gentleman is anxious to preserve his privilege of franking. I remember going, in company with a Member of this House, to the Post Office, and asking this question of the secretary, "Do many Members of Parliament exceed their privilege, and thus cheat the public?" He answered, that a great many did so; and, among the rest, the Honourable Baronet himself.

SIR R. INGLIS.—Sir, when the Noble Lord is suffered to use such a phrase as that persons "cheat the public," and presumes to connect that with my name, I feel that it is time for me to call upon the Noble Lord to explain. If the Honourable Member for Greenock were present——

Mr. WALLACE.—Hear, hear!

SIR R. INGLIS.—I would call upon him for his defence. I trust I am not asking too much of the House, to believe me, when I say that, from the time when I came into the House of Commons, I have kept a regular account of all the franks I have used. I call upon the Noble Lord, when he rises again, to state whether the evidence he has quoted is on the table, or not? I know the Noble Lord cannot say that it is. The Honourable Member for Greenock knows, also, that there is no such evidence. The Honourable Member for Greenock, and the Noble Lord, both know that the statement has not been made in the terms used by the Noble Lord. The Noble Lord knows that the Secretary for the Post Office—(for there is, now, no need for delicacy about the matter)—stated that there were three Members of this House who were watched. I will not state who the other Members were; but I, myself, was one. On a late occasion, two Members of this House went to the Post Office, and, in answer to a question—whether I ever

exceeded my number of franks? — they were told that I had once exceeded the number. Now, I ask the Noble Lord to meet me there. Every day I put down the number of franks I use. I trust I very rarely, and never intentionally—(for that would be cheating, — and I should feel that I was compelled to submit to have that term used against me, — if I ever, intentionally, exceeded my number:) — I never intentionally, and, I believe, most rarely, have exceeded my privilege. The Post Office authorities have been good enough to say that I once did so; but if I have done it ten times during the years I have sat in Parliament, I shall be ready to submit to any censure which the House may think proper to impose. I beg to state, as a gentleman, that I have never exceeded my privilege intentionally. When it has been imputed to me that I have been guilty of attempts to "cheat" the public revenue, I am sure the Speaker, if the Noble Lord rise again, will call on him to state what he meant by the observations which fell from him on the subject of the privilege of franking having been exceeded.

LORD SEYMOUR. — Sir, I should be quite ashamed if I could, for a moment, be supposed guilty of imputing to the Honourable Baronet any attempt to cheat the public revenue, — and if I have said anything of the sort, I beg to apologise. What I did mean to state was, that the Honourable Baronet was one of those who valued a privilege which he had frequently exceeded. I only stated that which was stated in committee. I know not how far this declaration will be satisfactory to the Honourable Baronet.

SIR R. H. INGLIS. — Sir, I deny that there was any statement to that effect in the evidence before the committee; or that any evidence of the kind is, in any shape, before the House.

LORD SEYMOUR. — I must confess that I apprehend there will be a considerable defalcation, under the new plan, in the revenue; it is impossible it can be otherwise. In reference to the measure generally, I feel bound to say that, unless the Government be invested with the power of fully and fairly working the measure out, they will be unable to give the public the full benefit of the proposed change.

Mr. WALLACE. — Sir, I shall first answer the appeal of the Honourable Baronet. It is quite true that we made inquiries at the Post Office respecting the number of letters franked by Members of this House. The secretary of the Post Office — whether in joke or otherwise — told me that a watch had been set upon three, of whom I and the Honourable Baronet were two; — I do not recollect the name of the third, or I should not scruple, at once, to mention the name. The first time, after receiving this information, that I had the pleasure of seeing the Honourable Baronet, I mentioned to him what had transpired. The Honourable Baronet immediately replied that such a thing was almost impossible; he pulled out a list, from which it appeared that he kept an account, not only of the number of franks, but of the names of all to whom he addressed letters. For my own part, I candidly acknowledge that I was daily in the habit of franking ten, and I did not frank eleven whenever I recollected it. The privilege is one which I am perfectly ready to give up for the benefit of the public. According to the Bill, there are to be three kinds of stamps used. Against this, the paper makers have urged some objections; but I am afraid that they have not fairly stated the case; they appear to be apprehensive that the proposed change will have the effect of enabling the poor to write upon half sheets of paper, instead of being compelled to purchase whole sheets, as at present. The measure, I observe, will come into operation at such a time as will enable Parliament to judge of it during a period of three or four months, and to be prepared in due season to correct any imperfections in its working. The powers which the Bill confers can, I have no doubt, be advantageously and safely intrusted to the Government; and I feel perfectly assured that Parliament will be quite ready to make good any deficiency in the revenue which may arise from the proposed change. I deny that the demand for this measure originated with Political Unions, and I contend that it will be attended with great advantage to the humbler classes of society.

The CHANCELLOR of the EXCHEQUER. — Sir, I confess that I was at first disposed to have left the case to the explanation given of it by my Honourable Friend the Secretary of the Treasury, had it not been for some remarks upon two points made by my Honourable Friend opposite; and I am further induced to say a few words, as my Honourable Friend has intimated his intention of taking the sense of the House upon the question. Previously, however, I wish to observe, that I feel perfectly satisfied that my Noble Friend near me never meant to convey the

least personal imputation upon my Honourable Friend opposite. It is clear he never intended to insinuate that the Honourable Baronet meant to evade the rule which limited the franking privilege of the Members of this House. My Honourable Friend has, this night, afforded us an additional proof of his great accuracy; for it appears that he not only chronicles his franks, but the names of the parties to whom they were addressed. However conclusive the statement of the Honourable Baronet, in reference to the accusation made against himself, he has not proved equally successful in the arguments which he brought against this Bill. He must have been very much at a loss indeed for the means of opposing it, when he urged the possibility of the privilege of franking being granted to the Members of one House and denied to the other. I confess it did surprise me to find it supposed for a moment, that that which was obviously for the benefit of the community at large would be turned by the Government into a privilege for gentlemen sitting here, on the one side or the other: the absence of real hazard must be strikingly evident, before such imaginary dangers like this could be thought of. It has been stated, that there exists a strong feeling amongst the commercial classes in favour of the measure. That I conceive to be a powerful recommendation of it. If it rested simply upon the mercantile ground, I am of opinion that that would be one of its highest recommendations. The very circumstance of so many great trading establishments being interested in the change, affords the best prospect of remuneration for the apprehended loss, because the fraudulent conveyance of letters is in a great degree restricted to them. I assume that, on the other side of the House, there is a disposition to support this Bill, except on financial grounds. My Honourable Friend has insinuated that the Government would not have regretted, very much, if they had been beaten, the other night, on this subject. Now, I frankly and freely admit, that I could very much have wished that the Report of the Select Committee had been in my possession during last Session of Parliament, that I might have had the opportunity of giving the subject more deliberate consideration than I am now enabled to bestow on it; and I should also have preferred if I could better have estimated the amount of the loss which might arise from the adoption of this change, and the best means of carrying the change fully into effect. Therefore, I admit that I came down the other night, and I now stand in my place, without the means of giving the House, accurately, that full information which, on a subject of this kind, they have a right to require at my hands. I admit, that, on grounds of finance, I have felt great mistrust of this question. But, because I admit the difficulties of the case, let not Honourable Gentlemen conceive that I could have been guilty of the bad faith towards the House, the public, and the petitioners, of bringing forward this or any other proposition with other than a sincere intention of doing all I could to carry it into effect.

I have been charged by the Honourable Member for Bridport, with stating the deficiency that would arise to the revenue, strongly: I did so; and I should have endangered the measure itself, if I had not stated the truth in that respect. If I had brought the measure forward on false or fallacious grounds, — if I had attempted to palter with the case, — the weakness or insincerity of my arguments would equally have been fatal to its success. From the moment the Government gave the first notice, and undertook to bring this proposition before the House, I have done everything in my power, consistently with truth and justice, to recommend it to the favourable adoption of the Legislature. My Right Honourable Friend the Member for the University of Cambridge has objected to the extraordinary powers given to the Treasury under this Act; but the House should bear in mind that we shall never be able to legislate satisfactorily on this subject until we have tried the experiment. For that purpose, only, the Treasury must be invested with powers of a somewhat loose and arbitrary character, — but these cannot survive the next Session of Parliament. Believing, as I do, that this measure will involve a very considerable loss of revenue at the outset, and for some time subsequently, I do not think it would be just, constitutional, or wise, in the present state of the finances of the country, to risk so large an amount of income, without first obtaining a pledge from Parliament to supply the deficiency. I proposed that pledge in good faith, and I accepted it, as given so handsomely by the chairman of the committee, in good faith also. Beyond this, I cannot expect that the pledge will not be liable to interpretation by another Parliament. I rely, however, on the good sense of Parliament, and the disposition which will always, I hope, prevail, to keep up the credit of the country, if there should be a deficiency, to make it up. The abolition of parliamentary franking, I think, however small in amount, would make this measure more acceptable to the public. The system of official franking, I am prepared to

admit, requires very great alteration. There can be no doubt, great abuses prevail in it; and I believe the best way would be, to make every department pay for its own correspondence. That would certainly be paying with one hand into another; but, as every department has a direct interest in keeping down its own expenditure, but none in restricting the number of franks, there would be a check in the one case, and not in the other. There must, however, be certain exceptions; and therefore I do not at once propose to enact that official franking should altogether cease. Still, in those cases where it is absolutely necessary, official franking should be placed under strict control: that is matter for farther consideration, for the whole subject must come under discussion next Session. The communication of parliamentary papers may be reserved to the public; but care must be taken that that privilege be not abused. At present, every one of the blue books may be sent, not only by every Member to any of his constituents, but also by any individual to any part of the country, by merely writing "Par. Pro." on the cover. There should be some new mode of transmitting these documents, giving the public the advantage they have a right to expect, from the ready communication of such documents, but without endangering the general efficiency of the Post Office. With this view, I shall propose that Bills, and all papers which relate to legislative duties, shall be immediately communicated throughout the country, — while other arrangements may be made with respect to heavier political documents. Having, upon a former occasion, gone into the whole merits of this measure, — stating, frankly and without concealment, the objections I entertained to it, arising from the amount of revenue which might be sacrificed, — and having obtained, by a large majority, the pledge I called for, — I shall not now occupy more of the attention of the House. My Right Honourable Friend opposite has not stated his intention to oppose the Bill further; but I am quite sure that we should have had my Right Honourable Friend's support, if the Bill had been before the House in all its details, and if no revenue were endangered.

SIR R. PEEL. — Sir, in addressing myself to this subject, I shall merely refer to two or three minor and incidental points which it is desirable to consider, on the assumption, that the Bill passes into a law. Assuming that the measure shall be carried into effect, I do not concur with my Honourable Friend, that it would be desirable to retain the parliamentary privilege of franking. In the first instance, if it were retained, a degree of odium would attach to it, which must very much diminish its value; and, in the second place, if this Bill become law, the facility of communication between every Member and his constituents will be so great, each letter only costing 1*d.*, that the reason for retaining the parliamentary privilege will cease. With respect to official franking, whether this Bill pass or not, so far as my official experience extends, I would most heartily concur in any new regulations which may be proposed: quite independently of this measure, such a change is highly desirable. I think there would be an advantage in requiring each department to pay the postage which may be necessary for the public service; and, on this account, namely, that the habits of official franking have become so inveterate that there would be the greatest difficulty in getting rid of the abuse, if that power of franking be retained at all. But if we say that every office must pay for the letters or packets it may despatch, we should be introducing a new principle; and he who would not refuse to frank a packet of letters for a friend, would refuse to take the sum of 8*s.* or 9*s.* from the pocket of the public, if he were conscious that the official frank would impose a charge to that amount. Of late years, there has been a great extension of official franking, which has never been explained. Within the last two Sessions there has been a very great increase in the number of persons entitled to frank; and that circumstance inclines me the more to subject the system to some new regulations. I can conceive no better system, as official communications must go free, than to go through the form of making every department pay for its own letters. With respect to the privilege at at present possessed by Members of this House, of circulating voluminous papers, I must say that, in my opinion, it involves a very great abuse. I think it monstrous that any Member should have the privilege of circulating 150 large volumes this, and 300 last Session, at the public expense, and without any check or control. Besides, I am inclined to think that the advantage to the public, from the free circulation of such papers, is greatly overrated. I am sure many Members would shrink from the exercise of such a privilege; and, whether or not, the Gentlemen who suggested this Bill will take the matter into consideration. I, for one, am so convinced that it is monstrous to give to 658 gentlemen the privilege of sending these blue books, that, if the abolition of the privilege be proposed, I

shall have no hesitation in agreeing to such proposition. Any persons can now purchase them for a very small sum; and I do not see why they should not pay for transmitting them. I stated on a former night, that, having entered my protest against this measure, I should not think it necessary to harass the House, and consume its time, by any vexatious opposition. I am not in the slightest degree surprised that my opposition has been ineffectual — not in the least. I know, very well, that when the Chancellor of the Exchequer declares himself in favour of the remission of any tax, opposition to its remission is vain; just the same as, if the Secretary of State for the Home Department were to declare in favour of the absence of all control over those who were disturbing the peace, public tranquillity must be disturbed. I know that nothing could prevent that. But while the Right Honourable Gentleman has fairly and frankly advocated this measure, he has supplied me, at the same time, with an ample vindication for the course I have determined to pursue. The Right Honourable Gentleman wishes there had been time for calmer consideration; he wishes the Report had been longer in his hands; and that he had possessed the means of estimating the loss which might arise to the revenue from the adoption of this measure. But whose fault is it that he has not those advantages and opportunities? If the Right Honourable Gentleman had asked for time to enable him to form his estimates, and to devise the best means of supplying the deficiency which might be occasioned in the revenue,—and if he had been overborne by the sense of Parliament,—the responsibility would then have rested with the House of Commons; but I must say, the responsibility at present rests with the Right Honourable Gentleman and the Government. He will succeed in carrying this measure; but I do not think the course he is now taking is creditable to this House. It is most disparaging to the House of Commons. I am perfectly willing that the public opinion should be pronounced on my conduct, — not now, not within two months, — but, on that day when Parliament will either be called on to abandon the pledge it has given, or to pay the reckoning for giving effect to this scheme. The Right Honourable Gentleman has obtained the pledge; is it, then, to be taken in a more formal and authentic manner than it has been given? It is only a parenthesis in the preamble! All that the pledge amounts to is this, — that Parliament is "pledging itself to make good any deficiency of revenue which may be occasioned by the alterations to be made in the rates of existing duties." There is no enactment to carry this pledge into effect. There is nothing like a recital that Parliament pledges itself to maintain public credit, and is resolved to make any deficiency good as soon as that may be ascertained. The Government have taken security for the full execution of that part of the preamble which adverts to the abolition of the privilege of Parliament's franking, by introducing a clause into the Bill for its abolition; but they leave the pledge which they have exacted from Parliament, exactly as it stands in the preamble. I ask Honourable Members to recollect what passed the other night. I then stated that my objection to this pledge was, that it was so vague, so uncertain, and so indefinite, that few persons could say when Parliament would be called upon to redeem it. I concede that the Secretary of the Treasury has subsequently admitted that the introduction of the measure will occasion a *deficit* in the revenue that will be very considerable. Now, this is, in itself, an intolerable circumstance for a great country like this; and I, therefore, can only consider this pledge as meaning that the House of Commons will lay on taxation to supply the deficiency to be thus occasioned by the surplus of expenditure over income. This would be a pledge definite and certain; but the Right Honourable Gentleman opposite, when he talks of the readiness of Parliament to redeem its pledge, evidently bears in mind the reservation of some Honourable Members on his own side of the House, who differ from him as to its meaning. The Right Honourable Gentleman boasts that the Honourable Member for Greenock, the chairman of the committee, has manfully avowed his readiness to take his part in redeeming this pledge; but I do not understand that the Honourable Member for Greenock construes his pledge in the same sense as the meaning which the Right Honourable Gentleman places upon it. I understand that the Honourable Member for Greenock, and the Honourable Member for Bridport, place this construction on their pledges, — namely, that if there should result a great deficiency in the revenue, occasioned by the failure of the postage duties, they would then consider of the best mode of supplying that deficiency. I believe, however, that the Honourable Member for Bridport would not be ready to supply that deficiency of revenue by the imposition of new taxation. The Honourable Member says that it would not be fair to estimate the deficiency in the

revenue by the defalcation in the postage duties which might take place in the first year of the new system; that the postage duties would increase in the second year, — that the deficiency would consequently diminish, — and that he would wait till the conclusion of the third year, to see what that deficiency might be, and whether or not it would be permanent. But, even then, — if the deficiency be likely to be permanent, — the Honourable Member for Bridport reserved to himself the power of considering, at the end of three years, — which he assigned as a fitting period for the trial of this experiment, — not by what new taxes it might be fitting to supply that deficiency, but, whether he could not, by some new and wiser arrangement of our commercial system, give an additional stimulus to the productive industry and energy of the country.

Mr. WARBURTON. — No, no!

SIR R. PEEL. — What? Am I mistaken? Did I not understand the Honourable Member to suggest, the other night, the propriety of making some alteration in the duties on tea, coffee, sugar, and timber? If I understand the Honourable Member correctly, then, — when, at the end of three years, he is called upon to meet a deficiency of 700,000*l.*, and probably more, in the revenue, I shall find him stating that he does not consider himself bound to vote for the imposition of new taxes; he will feel that he will redeem his pledge and satisfy his honour, by voting for some better and some wiser commercial arrangement. But time must be given even for making trial of the Honourable Member's new arrangement. The alteration, which the Honourable Member will introduce into the present modes of importing, and the duties on, tea, coffee, and timber, will not produce its fruits in the first year. He will then say, "Wait till this experiment is matured," — and will be at liberty to adduce the very same argument in support of his proposition, which he uses now in support of this new postage scheme. I expressed my apprehension, the other night, without reference to any change in the postage duties, that we have good reason to anticipate a continued *deficit* in the revenue, from its inadequacy to meet our expenditure. These apprehensions have been much confirmed by what has transpired this evening in this House. Her Majesty's Government — bound, no doubt, by a sense of public duty, and acting upon a full knowledge of the domestic condition of the country — have announced the intention of making, forthwith, an addition of 5000 men to the force of the regular army, which, I anticipate, will create an increase of 150,000*l.* a-year in our expenditure. Her Majesty's Government have also announced the intention of introducing a measure for the establishment of a better rural police throughout the country, — stating that such a measure is not only wise, but also absolutely necessary. I will say nothing, at present, either as to the wisdom or as to the necessity of such a measure; but I consider that the circumstances of the country must be grave indeed, which can induce Ministers to submit two such propositions to the House, at so late a period of the Session. Without entering further into the discussion of their propriety, I will say, that the effect of introducing them is, of necessity, to cloud any prospect of our future revenue becoming equal to our expenditure. I think that we have too good reasons to fear, that the deficiency in the revenue, which has now been going on for the last five years, will, independently of this proposed reduction in the postage duties, present itself again to us in the shape of a great increase for the year 1841, as compared with the year 1840. To this deficiency you may also add the defalcation to be expected in the Post Office duties. I will not deny that great advantage is likely to accrue to the country from the lowering of the rate of postage. Even if this scheme had not been proposed, I should be prepared to contend that a great reduction of postage might be made, not only without injury, but with great advantage, to the revenue. I think, however, that it would be much better to make a partial reduction of the postage duties, than to repeal them almost entirely, as is now proposed. I consider that the advantages to be derived from such a proposition are much over-rated. I do not, I repeat, mean to deny that great advantage would be realised from facilitating post office communication between different parts of the nation. I do not mean to deny that this would help and multiply commercial intercourse, and promote commercial speculation. That is one of the great recommendations of the scheme. Neither do I mean to deny that it must also contribute to the improvement of the lower classes of the community. But I am afraid that its advantages, in that respect, are estimated much too highly. We have, however, the means of estimating them correctly, to a certain degree, by reference to the penny postage now paid upon the letters

of our soldiers and sailors. It will be important to ascertain how far these parties avail themselves of this privilege. They are as likely to avail themselves of it as other members of the community; and it will be some advantage to know how far the privilege of a penny post is made use of by those who are now entitled to it. I am of opinion that the abolition of franking will press heavily on the poorer class: for every Member who now hears me knows that the great value of franking is derived from the power of giving facilities to the poor of sending their letters to their relations postage free. I know that it may be said that the very application for franks shows a desire to correspond. Be it so; but, then, the absence of all charge upon the postage of letters, as in the case of franks, is more calculated to promote correspondence than the imposition of a penny tax. I am now merely stating the reasons why I think that the House is over-estimating the advantages to be derived from this scheme.

Supposing, then, that I am right in this hypothesis, and that there should be a great defalcation in the revenue, I must ask you, — easy as you now think it to be to redeem your pledge, — what taxes you are prepared to impose? On the ground that high taxation diminishes the revenue, at the same time that it impairs the comforts of the people, you are remitting the taxation of the Post Office, and diminishing the average charge for letters from 6½*d.* to 1*d.* What, then, are the articles on which you propose to lay your new taxes? Let us look at the list of taxed articles which are, this night, to be brought under your consideration by the Honourable Member for Oldham, — malt, hops, soap, candles and tallow, seaborne coal, sugar and molasses, tea, coffee, butter, cheese, currants and raisins, corn, and a long list of other articles, all subject to taxation. When you have to raise — as you will, in all probability, have to raise — 1,500,000*l.* in new taxes, can any man here conceal from himself the difficulty he will have in redeeming his pledge to make up the resulting deficiency in the revenue, and in acting consistently with these principles respecting the reduction of taxation? Shall we not, upon that occasion, hear Honourable Gentlemen denying the advantages derived from the new system of posting duties, asserting that it had been a scheme cunningly devised for the benefit of the mercantile and commercial interests alone, and urging the strongest objections against the imposition of new taxes by way of equivalent to the deficiency in the revenue? By the course which the House is now pursuing, it will preclude the consideration of all claims to remission of taxation, even upon the subject of internal communication, which the Honourable Member for Falkirk intends, this night, to bring under consideration. The Right Honourable Gentleman opposite said, very properly, that he could not listen to any scheme for the remission of taxation, until he had first seen the result of this experiment. I will make the same declaration. In the present circumstances of the revenue, I cannot listen to any such proposition. The necessity for maintaining public credit would prevent me; and the maintenance of public credit I hold to be of invaluable importance, even in point of economy. Like all true and well-considered plans of public economy and public justice, the maintenance of public faith may be justly characterised as *magnum vectigal.* By agreeing to the present pledge, the House will be forfeiting all the advantages derivable from maintaining public credit, and will be setting an example to future Governments, which may terminate in the most ruinous results. Supposing a general election to be about to take place, — that petitions kept pouring in from all quarters, — and that there was a great excitement raised in favour of the repeal of some unpopular tax; what a precedent will the House now establish for any future Minister to remit that tax! and what a temptation will it afford them to gain public favour, by throwing the odium upon their possible successors, of finding an equivalent for the tax they have so remitted, by inserting in the preamble of their Act such a parenthesis as is inserted in the preamble of the present, — namely, that a future Parliament will redeem the pledge that you have given, to make good any deficiency so occasioned in the revenue! I have not made any party arrangements on this occasion. I know not who may, or who may not, follow my example; but if my Right Honourable Friend, the Member for the University of Oxford, be disposed to divide the House, I shall gladly record my opinion with him against this measure; but, at the same time, I must say, that after the subject was so fully discussed, and the sense of the House was so fairly taken upon it, on a former evening, it may be as well if my Right Honourable Friend were to abstain from calling for another expression of opinion upon it this evening.

Mr. WARBURTON. — I must be

allowed to repel the charge made by the Right Honourable Baronet against me, that I am not inclined to maintain faith with the public creditor. On all occasions I have been prepared to maintain public credit; and on several occasions I have supported the Right Honourable Baronet, when he has been attacked for doing so. In vindication of the sentiments which I expressed on a former evening upon this subject, I contend that, as you diminish the rates of postage, so you are likely to add a great increase to your postage revenue. Mr. Rowland Hill calculated that there would be a sixfold increase; that, from the present number of contraband letters, there would be an increase of double the number; and that, independently of the contraband letters, the increase would be twofold, making an increase of fourfold. The number of invoices (according to Mr. Cogden's evidence) which would be sent by post with a penny postage, instead of in parcels, would be 50 per cent. on the present number, and the additional number of letters from the working classes would be 75 per cent. Upon the whole, therefore, the estimate appears exceedingly moderate. I have no doubt that, at the expiration of the period which I have stated, and which I consider a fair one (three years), the result of the experiment will be, that the present Post Office revenue will be fully realised, if not exceeded. As to the question of the Chancellor of the Exchequer putting this Bill off for another year, until more information can be acquired respecting it, I do not see how an estimate of its effects can be made without trying the experiment as it is now proposed. The same objection would be urged next year;—"First try an experiment, before you pass any law." I do not see that there is any force in this argument at the present time, when I recollect that the Report on the Post Office has been before the House during nearly this whole Session. This experiment, I own, is a bold one, whenever it may be tried; and I am sure that if the result does not realise the predictions of the Honourable Member for Greenock, Mr. Rowland Hill, and the other sanguine supporters of the measure, it will, at least, justify the Chancellor of the Exchequer in the course he has taken.

Mr. ELLIOT. — I will trouble the House with a few remarks. I have had some experience in a Post Office department; and therefore I may be able to supply the Right Honourable Baronet with the information he seeks respecting the effect of cheap postage in increasing the number of the letters of soldiers and sailors. When I was Postmaster in India, I could not help remarking that the number of soldiers' and sailors' letters had increased to such a degree as to be a matter of complaint; they were so numerous as to be sent in boxes; and this arose solely from the circumstance of their light postage. Another curious fact I can attest. We (the Government in India) were constantly applied to by soldiers in that country, complaining of the high rate of postage charged in England on letters sent to foreign countries, and which they were obliged to pay before they left India. This remonstrance was never urged by any other parties; and it proves that the habit of letter-writing, once commenced, cannot be readily laid aside. There will be a difficulty as to the pre-payment of postage, of this sort, — that when a postman has delayed a letter, he will throw it in the fire, and the party to whom it is addressed will have no knowledge of the matter, unless every free letter be registered in a book. If some check of this sort be not resorted to, I fear there will be very great complaints on the subject of pre-paid letters. There must be also some mode devised to allow of letters being sent without stamped covers (where persons are hurried, and have no stamps), and to secure the delivery of such letters. In India, the Post Office is obliged to make a rule that no such letter shall be received, unless a slip of paper be delivered at the office with the letter, which is stamped and redelivered to the person who brings the letter. But the most important matter is to invent a check to secure the delivery of pre-paid letters.

Mr. HUME. — Sir, I do not believe that there will be so great a falling off in the Post Office revenue as has been anticipated. There may be a deficiency for some short time; but I have not the least doubt, from the increase in correspondence which will take place on social, political, and commercial topics, that the revenue will be quickly reimbursed. As to the complaint that this measure is introduced at a late period,— that is a reason why it should be passed as quickly as possible by this House, in order that it may be fully considered in another place. To give it a chance of success, this experiment must be boldly made. The remaining consideration which the Government has to entertain with regard to it, is, to see how far they can induce other countries to adopt this plan. I know there is a great disposition in France to do so; and a gentleman has been sent from America, with the view of making arrangements for co-operating

with our Government in carrying it into effect in the United States. No measure could be more extensively beneficial. Literary and scientific men will benefit by it; persons residing in Scotland and Ireland may edit a work to be published in London. Above all, the working classes would derive great benefit from the alteration; and it is on this ground that I support the scheme.

The Bill was then read a second time.

The CHANCELLOR of the EXCHEQUER. — I beg to fix the committee for Wednesday, to sit *de die in diem*, until the measure be disposed of, in order to send it to the other House in time to have it passed this Session. I think it may not unfairly be argued from the statement of my Honourable Friend behind me (Mr. Elliot), with regard to the effect of cheap postage in increasing the letters of soldiers in India, that there will be a large addition to the correspondence consequent upon the proposed change. Every motive exists in this country that can actuate parties in India, in such a matter, and many additional ones. With respect to the suggestion of the Honourable Member for Kilkenny as to the correspondence with other countries, the Government has already turned its attention to the subject, for the purpose of carrying this plan into effect; and, having a Post Office treaty with France and Belgium, which will enable us to open a communication respecting it, it is probable that those countries will be induced to introduce the plan of a reduced rate of postage. This is an experiment to be tried in England, not for her benefit alone, but, if it succeed, it will be for that of the whole world, and equally for the interest of all countries.

Mr. W. ROCHE. — Correspondence will increase with the facilities given to it — *vires acquiret eundo*.

The Bill was then ordered to be committed on Wednesday next.

REDUCTION OF DUTY ON FIRE INSURANCE.

On the motion of the CHANCELLOR of the EXCHEQUER, "That the Order of the Day for the Committee of Supply be now read," —

COLONEL SIBTHORP said: — I rise, Sir, to make my annual motion for the reduction of the duty on fire insurance. I admit that my proposal for a reduction of the revenue does not come on at a very favourable moment, when there is a deficiency of income; but I contend that a reduction of this duty one half would tend to an increase of the revenue. The tax was first imposed in 1782, by Lord North; it was a war tax, and it was increased a second and a third time as a war tax; and the last addition was made in 1815, by the present Lord Bexley, then Mr. Vansittart, — not, certainly, for the purposes of war, but for the repayments to which, under the fortunes of war, the country had become liable. The tax presses most severely on common insurances; it amounts to 3*s*. per cent.; and this is paid to the country, which runs no risk, while the insurance offices, taking all the risk, only charge and receive 1*s*. 6*d*. per cent. In short, it is a tax of 200 per cent. I contend it is the duty of a Government to foster and encourage prudence and caution among the subjects of the realm; but the continuance of this heavy impost operates as a discouragement to insurances. Reductions have been made in the duties on articles — I cannot call them of luxury, but articles — of but little importance or utility as compared with fire insurances: for instance, the Government have reduced the duties on rhubarb, castor oil, human hair, anchovies, French wines, jalap, essence of bergamot, and balsam of copaiba; why not rather reduce the duties on fire insurances, — which would be productive of much benefit and advantage to the public at large? And I contend that a reduction of one half of the duties on common insurances would not decrease, but ultimately would tend to increase, the resources of the Right Honourable the Chancellor of the Exchequer. Let the House remember the results which have followed other reductions that have already been made. The reduction of the duty on cards and dice, which, it has been argued, would lead to a decrease, has actually left the revenue from that source as nearly the same as possible, — nay, I believe I shall not be wrong if I say it is somewhat increased. The relief and assistance which have been given to newspapers, as well as the reduction of the malt tax, have tended to a direct increase of the revenue; and I am confident, if a reduction in common insurances of one half of the present unjust, unequal, and partial tax were made, it would be attended with the same results. In this opinion I am supported by a large majority of practical men, connected with insurance offices, who addressed a letter, to which I shall presently refer, to the Right Honourable Gentleman opposite (the Chan-

cellor of the Exchequer) some time since. From 1782 to 1839, — a period of 57 years, — the increase of duty paid to the revenue has been exceedingly trifling; and it is remarkable that, during the last ten or fifteen years, only one new office, the Dissenters', has been established, which takes common insurances; and this, too, with all the increased population, with the increased number of houses, and the increased number of manufactories, which have grown up in the country within the same period. But, in favour of a reduction of the stamp duties on common insurances, I will refer to the beneficial effects which followed the reduction of the stamp duties on the insurance of agricultural produce, effected, first, by a statute of George III., and, afterwards, by a statute of the late king, William IV. The amount of insurances of this class, as shown by the last Returns, is 47,270,888*l.*; whereas, previous to the reduction, they amounted to about 31,000,000*l.* only. From this it may very fairly be inferred, that if the duty on common insurances were reduced, it would produce the same effects. But what says the letter, addressed to the Right Honourable Gentleman opposite (the Chancellor of the Exchequer), on the 9th of April, 1816, by Mr. Desborough, of the Atlas Insurance Company, and by the Actuaries of the Sun, the Guardian, the Globe, the Westminster, the Imperial, the Union, the London, the County, and the Allianee Insurance Companies? All these practical men join in the strongest recommendations of a reduction of the duties: they state, that the existing rate serves to repress insurances, — for that the expense of duty is such as to induce parties to become their own insurers, or, at least, to insure only a portion of their property. They state that the amount of property actually insured, does not exceed one half the property in England, one half the property in Scotland, and one third the property in Ireland. Does not this fact show the repugnance with which the public regards the present state of the duties? These gentlemen then press upon the attention of the Right Honourable Gentleman and the Government the fact, that insurances against fire are too praiseworthy, as matters of prudence and caution, to be fairly subject to a tax at the rate of 200 per cent.; and they urge that, as one half the tax was a war tax, it ought to be reduced by that amount, now that twenty years of peace have elapsed. They then go on to state their conviction that the reduction would tend beneficially to the revenue, and to show that it would be far from injurious in all respects. Such are the opinions of practical men, well versed in the matter. But look at another consequence of the present extremely high rates of duty. It is an indisputable fact, that many persons in this country not only effect their insurances with foreign companies, but also with those of America. The stamp duties connected with policies of insurance from fire are so heavy, that, however well disposed, many individuals are positively excluded by the expense from availing themselves of this great advantage. I beg to move, "That from and after the 5th day of April, 1840, the duties already payable on policies of fire insurance shall in part cease; and that, in lieu thereof, the said duties shall be reduced to one half the amount now levied."

Mr. HUME. — I second the motion.

Question put.

The CHANCELLOR of the EXCHEQUER. — It is easy to show that any particular tax is detrimental in its effects to the community. I am desirous to know, however, whether, in addition to undertaking the reduction of the rates of postage, the House is also disposed to reduce this source of revenue? I do not ask any Honourable Gentleman to abandon his opinion, that it is expedient to reduce it, should the circumstances of the country permit. I feel, however, that it would be inconsistent with the duty which I owe to the public to consent to the proposed reduction, — as the state of the revenue is not such as to warrant my entering into any additional experiment beyond that in which I am now embarked with respect to the Post Office.

Mr. HUME. — I am unwilling, at the present moment, to do anything to encumber the Chancellor of the Exchequer. I shall not, therefore, recommend the Honourable and Gallant Member to press his motion; although I am satisfied, if the position of the Chancellor of the Exchequer were such as to warrant him in making the experiment, that a reduction of one half of the rate of duty on fire insurances would materially increase the revenue.

COLONEL SIBTHORP. — I have done my duty; but I have no wish to press my motion after the discussion that has taken place; and I will not, therefore, call for a division.

Main question put, and agreed to.

POST HORSE DUTY.

On the motion, "That Mr. Speaker do now leave the chair," —

Mr. GILLON presented petitions for repeal of the stage coach duties, — from Shrewsbury; Bedford; Middlesex; Leeds and Sheffield; Norwich; various towns in Devon, and other places. — To lie on the table.

Mr. GILLON. — Pursuant to the notice I have given, I rise to bring forward my resolutions with respect to the post-horse duty. I regret that a question of so much public importance should be discussed at so late a preiod of the Session, and at a period when it is not possible to secure a larger attendance of Honourable Members. But I consider it my duty, nevertheless, to avail myself of the opportunity to urge the claims of the parties who have intrusted their interests to my charge, with the view of asking the House to give effect to these claims for a modification of the taxes which press so heavily upon them; and I consider it important for the House to recollect that the weight of these taxes has been greatly increased by circumstances which have taken place since the petitioners invested their capital in this particular branch of the trade. I hope the House will also excuse me for mentioning that, in the year 1837, I obtained a committee to inquire into the general question of internal communication; which committee, after a minute investigation, reported to the House, and their unanimous recommendation was, that the House should speedily take into consideration the modification of these duties. I now bring the case of these parties forward, at this late period of the Session, in consequence of the assurances which have been given by my Right Honourable Friend the Chancellor of the Exchequer, that he will take the recommendation of the committee into consideration, and that he will not allow the present Session to elapse without applying a remedy. The parties whose case I represent, and who complain of the present oppressive, unjust, and partial mode of taxation on the means of internal communication, are those connected with the old means of conveyance, carried on through the medium of animal power. They have long been suffering without a murmur; and only now come forward, when they find themselves opposed to other rivals, who are placed in a new and unexpected position of advantage. The one class of these rival carriers are subject to no tax at all, and the other to a tax of the most trivial amount. These facts form, in my opinion, good grounds for the stage coach proprietors and postmasters of this country to come forward upon and state their grievances to the impartial consideration of the Legislature. The great feature of their grievances is the trivial amount of tax paid by the owners of conveyances which carry passengers by the means of steam power; — power which proves now, indeed, a formidable rival, but was comparatively limited and partial in its operation, as being principally connected with the coast. But, within these few years, the construction of canal boats has been so altered by greatly flattening their bottoms, that the resistance of the water is diminished to such a degree as to enable passengers to be carried, by these boats, with nearly the speed of stage coaches. I do not complain of the existence of these improved means of conveyance. I believe they have been productive of great benefit to the people. They afford to the poorer classes the means of transporting their talents and their capital to the best market at the cheapest price, and so as to make them available in the most expeditious manner. But, great as was the competition which the proprietors of stage coaches and postmasters had to contend with in regard to the use of the steam power in water carriage, that is quite inferior in amount to their newer rival which has sprung up in the great system of railroad travelling, — which, under the auspices of the Legislature, is fast coming into general operation, and extending itself through all parts of the country. I do not complain of the use of this great modern improvement. I object not to it, nor to the use of steam power in water carriage. In a public sense, I am perfectly sensible of the advantages which result from all of them. But what I do complain of is, that they are lightly taxed, while the stage coach proprietors are subject to the payment of very oppressive and heavy duties. It is not the facilities afforded to internal communication that I oppose; but what the parties whose interest I represent complain of is this, — that while the stage coach proprietor pays 8*s.* 4*d.* a-head of duty to the Crown — calculated on the principle that his carriage carries four passengers — for each person supposed to be so conveyed from London to Edinburgh, — and is charged that amount, whether his carriage convey such passengers or not, — the owners of steam vessels have no such duty at all. The duty on railroad carriages, again, is only one eighth of a penny per mile, while that on stage coaches is one farthing. The former are

liable to pay only for the individuals actually carried; while the latter have to pay for the number they are capable of carrying, whether they convey the passengers or not.

In a great commercial country like this, the Government ought to render the means of conveyance, from the greatest and remotest distances, accessible and cheap; but, by their impolitic fiscal regulations, they have, on the contrary, aggravated the natural disadvantages of distance. Before the committee to which I have already alluded, and of which I had the honour to be the chairman, the most important evidence was given by Sir Edward Lees, formerly of the Dublin Post Office, and now secretary to that department in Edinburgh, who showed the great advantages which Ireland enjoyed from its better management in these respects, and the benefits which England and Scotland would receive by being placed on the same footing. It should not be forgotten by the House, that this subject attracted the attention of the Committee on Turnpike Trusts, who gave in a Report, stating its extreme importance as regarded the interests of the creditors on those trusts. The amount of debt which has been incurred by those trusts is equal to a sum of 9,000,000*l.* sterling, and the Government are bound to lend a hand, and to take care that they do not become accessory to preventing these creditors from recovering their debts. That committee also recommended the subject to the speedy consideration of Parliament. It is of great importance that the House should secure to the public the benefit of a competition among those who are engaged in furnishing the public means of conveyance. Suppose, then, that the old means of conveyance, for want of proper encouragement, were wholly given up, — which is by no means unlikely, from the very depressed state in which they are now suffering, — I doubt very much whether the public would continue to receive the same attention and civility from the proprietors of railroads. I think it by no means improbable, that these persons would then increase their charges, and make the most of the monopoly which they would thus enjoy; and, in that case, would not the country justly reproach the House, if they should be left at the mercy of those men who have embarked their money in these speculations for their own private interests, and with a view to the enriching of their own pockets only? We, therefore, have a direct interest in maintaining those other modes which will best insure cheap railroad travelling. Great as is the disparity between the duties levied on railroads and stage carriages, this disparity is still further aggravated by the system of compositions. As an instance of the working of this system, I will mention that, by a contract entered into with the Government, by the directors of the Greenwich Railway, these latter have compounded on such terms as to be allowed to carry 1,200,000 persons for 400*l.*, — which sum, if calculated at the rates which stage coach proprietors would pay for the same number of persons, should amount to 6250*l.* It may be said that an end has been put to the compounding system. I must state, however, that it has not been universally extinguished; for I find in the Report of the Arbroath and Forfar Railway Company for the present year, an ostentatious statement, that, by means of an arrangement with the Lords of the Treasury, they have effected a composition, for 10*l.*, for the conveyance of a large number of passengers. My remarks have hitherto applied more particularly to the grievances of stage coach proprietors. But they apply with equal force to the duties on post-horse travelling, — which mode of conveyance must be absolutely annihilated by a continuance of the existing rate of duties. I will suppose a gentleman to travel post from Birmingham to London, with four in his carriage. The postmaster pays a duty of 1*l.* 8*s.*; but if the gentleman put his carriage into a truck on the railroad, the proprietors will have to pay only 4*s.* 8*d.* of duty; all the difference is thus given in favour of the one, and stronger party, at the expense of the other. The innkeepers, who are also post-horse masters, pay heavy assessed taxes besides: 5*l.* 5*s.* for each four-wheeled carriage they keep for hire, and 3*l.* 5*s.* for each two-wheeled carriage. They are falling rapidly into a state of poverty, from a combination of these burdens. I will give an instance, — the case of Mr. Johnstone, of Dunstable: — This individual, for three months of the year 1837, paid 172*l.* 16*s.* 3*d.* of duties; but in the same period of time, and comparative quarter, of last year, the amount so paid by him has dwindled down to 31*l.* 17*s.* 6*d.* The House will thus readily form an accurate opinion of the great depression of business which this person has suffered. But this is not all. These parties have to pay window duties besides, and a heavy licence duty, annually, to the Excise, for permission to carry on their trade; while large floating hotels, which we see constantly plying up and down the Thames, and as constantly selling all manner of

exciseable liquors, do not pay a sixpence of duty. The victuallers' licences on the sale of exciseable articles should be repealed altogether. The stage coach and post-horse duties are diminishing, notwithstanding the great increase of population and intercourse. Let us take the aggregate amount. In 1836 they amounted to 514,089*l.*, while last year they had diminished to 494,138*l.* It is true that my Right Honourable Friend the Chancellor of the Exchequer has given one boon to the post-horse masters, by transferring the collection of the duties payable by them, from those who farmed them, to the Commissioners of Excise,—by which means the whole amount of duty has been brought fairly to charge in the Exchequer. But still this branch of revenue is decreasing. To ascertain this point, I moved for Returns, and compared the amount collected previous and subsequently to the period when that change in the mode of collection took place. The result of the comparison was, that in the three months ending on the 5th day of January, 1838, the amount was 70,883*l.*; and for the three months ending on the 5th day of January, 1839, the amount was 69,533*l.*

I do not wish to detain the House by entering into further details to elucidate this subject; but I will now proceed to state, shortly, the nature of the remedy which I propose. It is, to place all taxation as applies to railroads, post-horse duties, and stage coaches, on a fair per centage, calculated on the gross earnings of the parties respectively; and I think it is but right to state that this alteration was suggested by a person largely connected, himself, with railroads. The duties on railroads are unequal in operation, as regards the interests, even, of those connected with such undertakings. On the London and Birmingham Railway, the tax is about 4 per cent., while on the Garnkirk line, in the neighbourhood of Glasgow, it is as high as 14 per cent. Therefore, in justice to those persons, I must say I think the principle I propose would be found extremely fair and unobjectionable. The resolutions which I intend to move render it unnecessary for me to explain, at great length, the other remedies for which I ask. They amount, first of all, to a repeal of all the assessed taxes affecting these parties; that is, a repeal of the licence duty on stage carriages, and of the mileage duties on stage carriages, and the duties on horses let out for hire; a repeal of the 5*l.* 5*s.* duty on four-wheeled carriages, and the 3*l.* 5*s.* duty on two-wheeled carriages; and in lieu thereof, a licence duty on stage carriages of 7*s.* 6*d.*, — about one half of the mileage duty presently leviable on stage coaches to be substituted; a reduction of the mileage from ½*d.* to about ⅛ of a penny per mile;—thus allowing a small advantage in favour of the stage coach proprietors. I propose a reduction of almost two thirds of the post-horse duties. Having made this explanation, I will now request the attention of the House to the probable loss of revenue which will be suffered by the propositions I have made, supposing no increase of travelling to take place. On stage coach duty, the probable loss will be 160,844*l.*; on post-horse duty, 247,069*l.*, to which is to be added the reduction of the duty on four-wheeled carriages, being 36,823*l.*, and on coachmen and guards 3708*l.*;—amounting, in all, to more than 448,000*l.* I contend, without fear of contradiction, that there is no branch of taxation involving greater injustice to the parties than that to which I have called the attention of the House, and as a justification to myself for having brought it forward at this late period of the Session, I will beg the attention of the House to what was said by my Right Honourable Friend the Chancellor of the Exchequer, on the 21st of February last, during the discussion which took place on this subject, upon the motion which I then brought under the consideration of the House. I will quote the report of the *Morning Chronicle*, which I have compared with the report in the *Times*, and find them both substantially the same. My Right Honourable Friend on that occasion said, —

> It was, undoubtedly, a question which deserved the attention of Parliament; and it was his intention, in the course of the present year, to introduce a Bill with a view to correct many of the inconveniences to which his Honourable Friend had adverted. . . . . Undoubtedly, when one considered that railway passengers only paid about the ¼th of a penny duty, while coach passengers paid ½*d.*, and while postmasters paid an amount equal to ¾*d.*, it must be perfectly clear that that was not a just system of taxation. As soon, therefore, as the financial accounts of the year would permit, he should introduce a Bill upon this subject. . . . . He would not, then, go further into this question; but he thought that the subject had better be left in the hands of the Government. He admitted the principle that there should be an alteration in the post-horse revenues: as his Bill was not, at present, prepared, he could not hold out that it would be altogether satisfactory to his Honourable Friend; but if, after it had been introduced, he were not satisfied when the measure was before the House, he might mend it. This would be a better course than by going into a committee of the whole House, and then moving a resolution which Honourable Members would not have had an opportunity of fully considering.

Why do I quote these words? Not with

any view to excite angry feelings, or to produce unpleasant results; but merely in justification of myself for the course I am now pursuing, and to explain the reasons which formerly induced me to withdraw the resolutions which I brought forward, —and which I withdrew on the hope thus held out to me that the present Session would not be allowed to elapse without some measure being brought forward for the relief of the parties. What, then, I will ask, must have been their disappointment, when, after communicating such hopes, I was obliged,—in consequence of an interview which I had with the Right Honourable Gentleman, along with a deputation, a few weeks since,—I was under the necessity, I say, of again intimating to those parties, that the Chancellor of the Exchequer did not intend, after all, to proceed, this Session, with any measure for that purpose? My object is, to render internal communication more cheap and easily accessible to all parties. I am convinced that, sooner or later, my Right Honourable Friend will be compelled to grant, not only this reduction, but a revision of the whole system of taxation. He will be compelled to take off all those taxes which, by pressing on the necessaries of life, weigh so heavily on the poorer classes; and, in lieu of them, to have recourse to a general property tax, which I hope the wealthy classes will not refuse to bear, in return for the protection which they enjoy, and which is more necessary to them than it is to any other class of society. I will leave the subject in the hands of the House, —trusting that they will deal with it in a manner just to all parties. I beg to move, that this House do resolve itself into a committee of the whole House, to take into consideration the duties affecting the different means of internal communication in Great Britain, with a view to proposing the following resolutions: —

"That, from and after the first Monday in October next, the duty imposed by the 1 and 3d Will. IV. c. 120. upon licences to keep and use or employ stage carriages, so the mileage duties on stage carriages, and the duties on horses let to hire, be repealed.

"That, from and after the 5th day of April next, the duties imposed by the 52 Geo. III. c. 93., and 4 Geo. IV. c. 11., of 5*l.* 5*s.* per annum upon four-wheeled carriages, and 3*l.* 5*s.* per annum on two-wheeled carriages, let for hire, and also the duties on coachmen and cards employed on or about stage carriages, be repealed; and that there be granted, in lieu thereof, a licence duty on those carriages of 7*s.* 6*d.*

"Also for and in respect of every mile which any stage carriage may be licensed to travel, the several sums following: —

"If such carriage shall be licensed to carry not more than six passengers, one halfpenny.

"And for every four additional passengers which such carriage shall be licensed to carry, one halfpenny.

"And if the number of additional passengers which such carriage shall be licensed to carry shall not be four, or a multiple of four, then, for any number of passengers less than four, in addition to the first six, or any progressive multiple of four, an additional duty of one halfpenny.

"And also the duties on horses let to hire; that is to say, for and in respect of every horse let for hire, for every mile such horse shall be hired or used to travel or go, one halfpenny.

"And for and in respect of every horse let for hire to go no greater distance than eight miles from the place of letting, one fourteenth part of the sum charged for such letting; or, in lieu thereof (at the option of the person letting the horse), sevenpence.

"And for and in respect of every horse let for hire to go no greater distance than eight miles from the place of letting, where such horse shall not bring back any person, and shall not deviate from the usual line of road between the place of letting and the place to which such horse shall be hired to travel or go, fourpence.

"And for and in respect of every horse let for hire or used for any period of time less than twenty-eight successive days, or in any other manner than as aforesaid, and also for and in respect of every horse let for hire for twenty-eight successive days, or for any longer period of time, where such horse shall be returned in a less period of time than twenty-eight days, and shall not be exchanged for another horse, in continuation of the same hiring, one fourteenth part of the sum charged or received, or agreed to be received, on every such letting for hire or using.

"Or, in lieu of such last-mentioned one fourteenth part of such sum (at the option of the person letting the horse), the following duties for every day such horse shall be let for hire or used, or shall by virtue of any such letting have been under the direction of the person by whom the same shall be hired; that is to say, for every day not exceeding three days, tenpence:

"For every day exceeding three days

and not exceeding thirteen days, sevenpence:

"And for every day exceeding thirteen days, and less than twenty-eight days, fivepence."

LORD VISCOUNT COLE.—I second the motion.

Upon the question being put from the chair, —

The CHANCELLOR of the EXCHEQUER said: — I will endeavour, as briefly as possible, to state the reasons for which I conceive the House ought not to accede to the motion of the Honourable Member. But, first, I must remark, that it will, no doubt, be a matter of great gratification to the inhabitants of the county of Fermanagh, to find that the Noble Lord, their representative, has consented to second a motion—one of the objects of which is,—to introduce these duties into Ireland, and thereby to confer a boon upon his constituents, of which they, of course, would be duly sensible. I do not feel upon the present, neither did I upon a former occasion feel, any surprise to find an Honourable Gentleman anxious to bring this subject under the consideration of the House. I am aware that the progress of events has rendered the pressure of these duties, not only severe, but unequal. The evil, in itself, perhaps, is great; but, coupled with this feature of inequality, it is greater still. But this is an inevitable result of the improvements which have taken place of late years, so rapidly, in our system of internal communication. Not a single step can be taken to advance the most undeniable improvement, without pressing upon some previously existing interest. In the cases of stage coaches and post horses, there would be evils to be endured by their owners, even if there were no tax on them; and these evils are, of course, aggravated by the tax. I do not object, therefore, to the abstract principle of the Honourable Gentleman's proposition, but merely that it should be brought forward under the peculiar circumstances in which we are at present placed. Besides, if we look into that proposition, we shall find that many other questions are involved in it, to which I am not prepared to give my assent. It is utterly impossible to approach the subject without doing a great deal more than my Honourable Friend proposes to do by his resolutions. His arguments do not apply to one branch of taxation merely, but amount to a case for the equalisation of taxation,—to a taxation upon steam communication and upon railroad communication, — not only in this country, but in Ireland. This is my Honourable Friend's proposition. But even this proposition is incomplete, as well as inapplicable, under the circumstances in which we are now placed. My Honourable Friend felt this himself. At the close of his speech, he said, and said justly, that he called upon the House—and he did so by the very fact of taking this step — to reconsider the whole question of the taxation of this country, with a view to relieve the industrious classes from the amount of taxation to which they are now liable on articles of consumption, and to substitute, for that amount, a property tax. I do not mean to argue this question upon the present occasion; but I cannot avoid remarking, that it is an error to suppose, if we could introduce a property tax, that it would not press severely upon the working classes, whom it is intended to relieve. If we said to the capitalist, "Work abroad, and you will be free from a property tax,—work in England, and you shall be subject to it,"—we should clearly divert the capital of the country from its present channels, to the injury of the productive classes. The foreign capitalist is already treading on our heels; and a property tax would, undoubtedly, give him additional advantages, which would be found to press most injuriously upon the industry of the country.

My Honourable Friend, in bringing forward his proposition, is entitled to the best consideration of the House, for the pains which he has taken with the subject. He says that the proposed change would involve a sacrifice of the public revenue of about 440,000*l*. In this estimate, I believe, my Honourable Friend is pretty nearly right. But while he proposes that this loss to the revenue should be encountered, his proposition does not supply the deficiency which would be caused by the reduction he asks for, except so far as that reduction of duty might lead to an increase of internal communication; neither does it establish the equality for which he contends. It does not give any remedy in the case of railroad and steam-boat proprietors. It leaves them as they are. If my Honourable Friend's proposition were agreed to, and now in force, it would leave, in lines where there is an active competition, other branches of internal communication without any alteration in the present amount of taxation; and my Honourable Friend cannot suppose that, on such lines as between London, Birmingham, and Liverpool, if his object were attained, the

present amount of posting could be kept up. Time, although not represented by money, is peculiarly valuable in this country; and my Honourable Friend is very much in error, if he think that, on such a line as that between London and Birmingham, for example, he could, by merely accomplishing this desired reduction of duty, bring about the employment of the same number of coaches as formerly? I will, besides, ask,—is this a time when the House of Commons ought to be asked for any further reduction of taxation?

[Cheers from the Opposition benches.]

I believe that that cheer has reference to the proposed reduction of postage, and therefore must have come from the minority of Gentlemen who voted against that proposition; it certainly cannot have proceeded from those who voted with me in the majority, and whose motives in doing so I cannot question. I did not disguise the great risk which we should be running in the experiment, — an experiment which I am happy to hope may prove successful. But are Honourable Gentlemen prepared to say that, because a portion of the public revenue has been risked by the decision of the House of Commons, pronounced by a large majority, we should be therefore justified in risking another large amount of revenue, — and with the disadvantage, too, in this latter case — (which it is thought, by many, does not belong to the former of these risks,) — that it does not afford the prospect of an indemnification by an increased amount of posting? It is true, as stated by my Honourable Friend, that, on the 21st of February, I expressed my intention of introducing a Bill upon this subject. Owing to circumstances, however, of which I do not complain, but to which I beg to call the attention of the members of the Postage Committee, a Report,— namely, the Report of that committee, — which was, in point of fact, and as you know, a Report that altogether belonged to last Session,— was not in the possession of this House, or of the Government, at the time of the discussion in the course of which I made that declaration, and was not printed for a considerable time afterwards. At the period of that discussion, therefore, I was not, and could not have been, prepared to undertake that enormous risk to the revenue, — the now intended reduction of the postage duties. I then declared it was my intention to introduce a Bill upon the subject of the posting and stage coach duties; and I actually had, at the time, a measure under preparation for their reduction, but only to about one half the amount of revenue derived from them. The House of Commons has since exercised its right upon the subject, and has shown, by a comparative majority of three to one, that it is in favour of the reduction of these rates of postage, — a question which affects all classes of the community. I can do no more than tell you to make your choice between these two objects of reduction, because the revenue will not admit of your having both.

When the Honourable Gentleman tells me that, in the case of the post-horse duty, I might apply the same rule as I have applied in the case of postage, the Honourable Member may carry that principle to every branch of taxation, and call upon me to risk, at once, the whole revenue of the country. The Honourable Member has referred to a deputation of several Members of Parliament, and of persons interested in the post-horse trade, who waited upon me on this subject, and to whom I stated, frankly, what I have now stated to the House; and I did not hear any expression of surprise from them at the course the Government had decided upon pursuing. I think, therefore, that I am free from that reproach which the Honourable Member has endeavoured to cast upon me. I may, however, take this opportunity of stating, that I have been much misconceived as to one answer I gave to those gentlemen. I am accused of having said that I would not propose to legislate for particular interests; and that, therefore, I could not undertake the consideration of this question. But my argument was this, — that, in the first place, there was, for the present, at least an insurmountable difficulty, on account of the contemplated reduction in the rates of the postage of letters, and that, therefore, I could not, at this time, undertake to consider the question of a reduction in the post-horse duty; and I added, that I feared the effect of such a reduction would be, to give the relief, principally, to stage coaches on those roads where there was no competition of railroads, and where it was not required, — or that otherwise it would be necessary to make an exception as to those places only where such competition did exist, and that that would be legislating for particular interests, — and that this I objected to.

But I would beg the House to attend to the circumstances under which this motion is made. The House has already affirmed, by a very large majority, the principle of a reduced and equalised rate to be charged on the postage of letters. When I brought

forward that proposition, I was taunted by the minority with want of firmness, in not resisting the popular demand. I said then, to the Right Honourable Gentleman whom I followed in the debate, — "If I were to resist this demand, I know I should have your support; but I am not so certain how those Honourable Gentlemen will vote who sit around you." But I resist this motion now; and the vote of to-night will bring that question to a test. We shall now see who will support me in maintaining the public faith, by resisting the popular demand for a further reduction of taxation at a time when the state of the finances of the country will not admit of it. And we shall see, too, how far my reliance on the support of those Honourable Gentlemen — if I had given it on the former occasion — would have been well founded. But when, simultaneously with the necessity of providing for the expenditure of the year by a vote of credit, we are now called upon to reduce the revenue of the country by the amount of 440,000*l.* in this branch of taxation alone, — and this, too, without any provision being made for replacing the deficiency, — I would appeal to those who advocated and recommended the alteration in the postage duties, whether they are prepared to throw additional difculties in the way of the success of that measure, by voting for a proposition, like this, for the reduction of other taxes? I know very well that I should not find the Right Honourable Gentleman the Member for Pembroke, or the Right Honourable Baronet the Member for Tamworth, were he in his place, disposed to fight the battle of the postage by his vote on this occasion; but to those who supported the postage scheme, I would say, that nothing could be more fatal to that measure than the success of the present proposition. Yet, Sir, although I cannot consent to the motion of the Honourable Gentleman, I will do all I can for the parties concerned: and it is my intention to propose a measure, which, though it may not meet the expectations of all, will still afford considerable relief to those who complain of the post-horse duty. I cannot, however, consent to do that which I consider would be dishonest to the public, and which would place in danger so large a portion of the revenues of this country.

SIR T. D. ACLAND. — The Right Honourable Gentleman has held out an expectation, if not a promise, that, if we will support him in that mood of returning virtue which he has manifested by his resolution to maintain the finances of the country in a healthy state, — that perhaps, that suffering and deserving interest, which is now labouring, as the Right Honourable Gentleman, himself, admitted, under unequal and unjust taxation, while, at the same time, it is struggling against an almost overwhelming competition, — may receive some sort of relief. The Right Honourable Gentleman has, however, said nothing as to the nature of the relief which he proposes; and he, himself, doubts whether it will be satisfactory to the parties. I shall be more candid with the Right Honourable Gentleman. I will at once state, that I am not prepared to support the motion of the Honourable Gentleman, which is for an unqualified reduction, by a repeal of two thirds, of the post-horse duty. But let me tell the Right Honourable Gentleman that the question has been altered within the last few days, — and by his own example. It is one thing to call on us to be careful how we consent to a reduction of more than 300,000*l.*, when that reduction is the first inroad on a wholesome state of finance, — and another thing to appeal to us to refrain from performing an act of simple justice, when the Right Honourable Gentleman has, himself, broken through the same principle, to the extent of 1,500,000*l.* I say, then, that Honourable Gentlemen on this side might find, in the example of the Right Honourable Gentleman, a threefold justification for supporting this motion, if they were not restrained by other considerations. I could have wished that the Right Honourable Gentleman had stated the nature of the proposition he intends to bring forward for the relief of the coach-masters. I believe that that ruin which is now staring them in the face, might be averted, for the present, at least, by a very trifling amount of assistance. And I will tell the Right Honourable Gentleman what I believe those parties would be disposed to accept, — not as a liquidation of their claims, or as a final settlement of this question — which, at this late period of the Session, is more than they could reasonably expect to obtain, — but as a means of enabling many of them to keep their coaches going till another Session, — when a more ample measure may be brought forward: and, without some such relief, there is every reason to believe that many of the cheap conveyances — especially in the neighbourhood of the railways — will be put down in the course of the ensuing winter. I am persuaded that, if the small reduction of ½*d.* a-mile were made, and if the coaches were

allowed to carry an additional passenger each, much relief would be afforded. As, for instance, I would propose that those coaches which now carry 10 passengers, and which pay, I believe, a duty of 2*d.* a-mile, should be allowed to carry 11 passengers, and pay a duty of 1½*d.* a-mile; that those carrying 13 passengers should pay a duty of 2*d.*, instead of 2½*d.*; and that those which carry 16 passengers should pay 2½*d.* instead of 3*d.*, — thus having the privilege to carry an extra passenger in each case: this would be a reduction of one fifth, only, on the average; and the risk to the revenue, instead of being 440,000*l.*, would be but 90,000*l.*; while, to the proprietor of a coach running 100 miles, this alteration would make a difference of from 300*l.* to 600*l.* a-year, and would enable him to go on without loss for another year. Let the Right Honourable Gentleman also recollect, that, if all relief be refused, the revenue from this source will, next year, suffer considerably; for, before that time, a great many coaches will have been taken off the road. If, then, there is to be a loss to the revenue, I would put it to the Right Honourable Gentleman whether it would not be better, and more humane, to have that loss caused by a reduction of the duty, rather than to have it without a reduction, but accompanied with the ruin of a great number of persons, and the breaking up of many valuable and highly useful establishments? I cannot support the motion of the Honourable Member for Falkirk; because I do not think it advisable, in the present state of the finances of the country, — after the great sacrifices we have already made, — to assent to a further sacrifice to the extent of nearly 500,000*l.* But if, as I have suggested, you can relieve the parties by taking off only 100,000*l.*, at the outside, — and if a loss to that extent must be incurred, whether you consent to such a reduction, or not, — I think, when I show this, I may fairly put it to the Right Honourable Gentleman whether it would not be better to reduce the duty by such a sum; and I would ask him whether he has so nearly calculated the income of the country for the next year, as to be able to say that a deficiency of 100,000*l.* would be likely to produce a serious effect upon the revenue? If the Honourable Member for Falkirk had put his motion in the shape of a resolution for the equalisation, instead of the repeal, of the duty, I would certainly have voted with him, at all hazards; because I consider that it is now high time to take the first step in remedying that which is, without doubt, a palpable injustice.

Mr. HANDLEY. — I must say that the speech in which the Right Honourable Gentleman the Chancellor of the Exchequer opposed the motion of my Honourable Friend, was tinctured with a spirit of unfairness which I did not expect from him. At the commencement of the present Session, when this subject was brought under the consideration of the House, in a motion which I had the honour of seconding, the Right Honourable Gentleman stated, in replying to that motion, —

I am by no means surprised that the attention of the House has been called to the subject by the Honourable Gentleman. It is, undoubtedly, a question which deserves the attention of Parliament; and I will take this opportunity of stating that it is my intention, in the course of the present year, to introduce a Bill with a view to correct many of the inconveniences to which my Honourable Friend has adverted.*

It was on this ground that my Honourable Friend (Mr. Gillon) did not press his motion at that time; and, on the faith of this statement, the trade have remained silent up to this period. And now the Right Honourable Gentleman steps forward, and quotes the vote to which the House came on the question of the penny postage, the other evening, as a reason — and the sole reason — for not redeeming his promise to these parties, and for refusing to extend that relief, which, but a few months ago, he considered to be so just and so necessary. The argument with which the Right Honourable Gentleman replied to the proposition of the Honourable and Gallant Member for Lincoln, this evening, will fail on the present occasion. For he has, now, a diminished revenue from the post-horse duty; and, if he do not give relief, he will find, before another year has passed over, that the coaches, which are now dropping off the roads day after day, will be so far reduced in number, as to afford very little accommodation to the public; and but a very small proportion of the present amount of duty will be derived from this source of revenue. The Honourable Gentleman (Sir T. D. Acland) has offered a suggestion, that it would be a boon to the coach proprietors, if they were allowed to carry an additional passenger. But I do not see how that permission would relieve them; for it is a well-known fact that very many of them are now driving empty coaches along the road. At all events, if the Right Honourable Gentleman do not reduce this tax, he ought to raise the duties bearing on all competing modes of communication — by

* See MIRROR OF PARLIAMENT, Sess. 1839, p. 440.

railroads and steam-boats — to the same level. With regard to railroads, I fear we are establishing a monopoly in their favour, which we shall one day feel the inconvenience of. I am not opposed to railways; on the contrary, I consider them a great social improvement; but I think that, at least, the conditions of a fair competition should be allowed to those who have been, for so many years, in the service of the people; and that this meritorious class of traders will have a just right to complain, if their claims be now put aside, contrary to the express declaration of the Right Honourable the Chancellor of the Exchequer, himself, on a former occasion.

Mr. HODGSON HINDE. — I am desirous of saying a few words, in defending my vote from the imputation which the Right Honourable Gentleman the Chancellor of the Exchequer has attempted to cast upon all those which may be given — by Honourable Members who opposed his proposition on the Postage question — in favour of the present resolution. I will tell the Right Honourable Gentleman, that I shall support the present motion upon this ground, — that I wish to establish an equality of taxation upon the means of conveyance by railway carriages, with that which is levied on conveyance by stage coaches; and, upon this principle, I am quite prepared to support the Right Honourable Gentleman in any proposition he may bring forward for laying a moderate share of taxation on railway carriages. Let me ask the House, on what principle of justice it is, that the weaker body should be more heavily taxed than its more powerful rival? Of this I am quite sure,—that, if some relief be not afforded to the postmasters and stage coach proprietors, in order to enable them to continue, with the slightest chance of success, against the railroads, the public will soon be deprived of the means of conveyance, except in those parts of the country where there are railways laid down. The Right Honourable Gentleman the Chancellor of the Exchequer gave a distinct promise that he would bring in a Bill on this subject; and, although I admit that the Right Honourable Gentleman has a right to change his mind, if he so please, I think we have, at least, a right to call upon him to show some sufficient ground for so doing, in a case like the present; and I must say that no good reason why the original intention of the Right Honourable Gentleman was abandoned, has, as yet, been shown. If the Right Honourable Gentleman do not approve of the extent to which the present proposition goes, let him propose some measure of his own, and I am sure it will have the support of the House. Believing that the present system is, in its operation, ruinous to a very industrious and deserving body, I feel that I should not be doing my duty to my constituents, or to the country at large, were I not to do all in my power to produce some beneficial alteration.

CAPTAIN PECHELL. — The Right Honourable Gentleman the Chancellor of the Exchequer has certainly shown great talent and ability in making out a case on this occasion, — and, indeed, in this respect, I think he has even outdone his predecessor; but still I cannot agree with him in his reasons for opposing the motion of the Honourable Member for Falkirk. The Right Honourable Gentleman has endeavoured to influence the House against the present proposition, by reminding us of the sacrifice of revenue which must be made to carry out the principle of a penny postage. I supported the Right Honourable Gentleman's motion for the establishment of the penny postage, because I knew it to be a measure that was generally called for by the country; therefore I am not now disposed to agree to anything that may stand in the way of the success of that experiment. If, however, the Honourable Member for Falkirk will stop at this point, — "That the House do resolve itself into a committee with a view of equalising the duty on the various existing means of internal communication in this country," — I think he will meet the views of many who feel, with me, that they cannot support the motion as it now stands. At the same time, I wish it to be understood that I do not go the length that the Honourable Baronet, the Member for Devonshire, recommends. The Right Honourable the Chancellor of the Exchequer has spoken of this proposition as having been brought forward unaccompanied by any suggestion as to how the deficiency in the revenue, which must be occasioned by the repeal of these duties, could be met. Why, that is the business of the Chancellor of the Exchequer, himself. It is for Members of this House to point out those taxes which press unequally and unjustly on the people; and it is for the Chancellor of the Exchequer to give relief, so far as may be possible, and to devise the means for still maintaining the public credit. The Right Honourable Gentleman has intimated his intention of affording some

relief in the present case: now, I would suggest to him that he might, without any very great risk, extend relief to the coach-masters in those particular districts where they have railways to compete with. I, for one, am ready to accept the smallest amount of relief which the Right Honourable Gentleman will give; and, in fact, I am almost disposed to trust him, altogether, in this business; but I think the Honourable Member for Falkirk has good ground of complaint against the Right Honourable Gentleman, after the promise that was given at the commencement of the Session; and if the Honourable Member will alter his motion in the way I have suggested, I will vote with him.

SIR C. KNIGHTLEY.—I would beg the House to mark the difference in the conduct of her Majesty's Ministers on the two questions, respectively, which have been discussed this day,—namely, the reduction of the postage of letters, and the reduction of the post-horse duty. The plea for the first is, that it will be a boon to the poor; whereas it is well known that they are goaded on by those who do not stand in need of relief, but who, in the event of a general election, may return the service done them. And it is upon this ground that the Government adopt a measure which will, probably, in its results, shake public credit. The second question—the reduction of the post-horse duty—they refuse to entertain,—well knowing that the postmasters are a body comparatively few in number, and, consequently, unable either to serve or injure them. They give way to popular clamour,—not having the spirit to resist it; but, where justice and equity are concerned, they turn a deaf ear. On the first question they were actuated by feelings of political cowardice and meanness, and on the second by a spirit of tyranny and oppression. I, for one, shall vote for the reduction of the post-horse duty,—if it be only to induce the Chancellor of the Exchequer to give up his wild and reckless measure of the penny postage.

Mr. C. P. VILLIERS.—As far as I can understand the charge of the Honourable Baronet, it suggests a proof of the superior wisdom of my Right Honourable Friend the Chancellor of the Exchequer; for it only imputes to the Right Honourable Gentleman, that he considers and consults the larger interest in preference to the smaller,—that he considers those who represent the great interests of the country, instead of those who represent the few. This appears to me to be a very reasonable and just policy. And, really, this question, as it seems to me, lies between the community at large and a particular interest. We have to choose between the postage and the post-horse duty; and the question we have to consider is, which are we prepared to make a sacrifice for? The postage duty affects every branch of the community; and the Right Honourable the Chancellor of the Exchequer, considering that it is interesting to so large a number of persons,—and considering, also, the number of petitions that have been presented in its favour,—has, very properly, given it the preference. This is a principle which, in my opinion, ought to be recognised in legislation generally. I must, however, say, that, although I believe the Right Honourable Gentleman has acted in a perfectly just manner, he has, at the same time, acted in a very unusual manner,—for it was formerly the practice of Chancellors of the Exchequer to sacrifice the interests of the community to a particular interest, whereas, on this occasion, the Right Honourable Gentleman has consulted the interests of every class of the community in preference to a particular interest. I must beg leave to express my cordial and hearty approbation of such a course of policy. There are, in my opinion, two ways in which the postmasters might be relieved. They have now to pay a tax upon their horses, and they have to pay a heavy expense for the sustenance of their horses. Some of these postmasters have called upon me; and I put a question to them as to which of these burdens they would prefer to be relieved from,—namely, the tax they have to pay to the state for leave to work their horses, or the tax which they have to pay on the food of their horses? and many of these parties, upon calculation, have stated to me, that the relief they should feel most would be,—relief from the extraordinary price which they have to pay for the maintenance of their horses. I do not see the Honourable and Gallant Member for Lincoln in his place.

COLONEL SIBTHORP.—Hear, hear!

Mr. VILLIERS.—As the Honourable and Gallant Member has taken occasion, for the first time, to condemn monopolies, I wish he would turn his mind to this view of the question, and see whether it would not be possible to relieve this class as well in the way I have suggested, as in the way proposed? If the Honourable and Gallant Member would propose some

reduction in the price of corn, by a removal of the tax upon that article of food, he would contrive to benefit the community, and the particular interest which he supports, at the same time. On general principles, I must consider that the Right Honourable the Chancellor of the Exchequer has earned for himself great credit with the community at large, for having undertaken a very bold experiment with a view to the attainment of a very great general good. I feel it to be quite impossible for me to describe the advantages which may be expected, by society at large, to result from the reduction of the postage duty upon letters, for never was there any measure that came so strongly recommended to a Government by the general wishes of the people. The proposition of the Honourable and Gallant Member for Brighton I must condemn. I think that taxation upon communication by railroads would be most mischievous, — and I hope that nothing will ever induce the Chancellor of the Exchequer to propose such a tax. I would strongly recommend that, if possible, the duty should be taken off this posting and coach interest which is now suffering; but I hope that nothing will ever induce any Government, or any Chancellor of the Exchequer, to increase any tax, or to impose any tax, upon that which facilitates the intercourse of the country.

Mr. DARBY. — I shall not follow the Honourable Member for Wolverhampton into the question of corn laws, — a subject which he manages to introduce into every discussion, whether the debate happens to turn upon education, or any other question that comes before the House. I think that the postmasters have made out a very strong case, to show that some relief ought to be extended to them. I hold, that the postmasters have a just right to complain that the Right Honourable the Chancellor of the Exchequer has not acted fairly by them. He admits that he gave a pledge to bring in a Bill for affording them some relief from those oppressive, because unequal, duties to which they are now subject. And now the Right Honourable Gentleman says to them, — "I certainly did give you such a pledge; but, since then, the question of the penny postage has been pressed upon my attention; and, although I admit that financial pledges ought to be kept, I must forfeit mine in order to meet the views of those who are anxious for an alteration in the postage duties." I do not concur in the Right Honourable Gentleman's proposition, — that those who voted on the Postage question, either in the majority or the minority, must, in consistency, vote with him in negativing these resolutions. I voted on that question; but I cannot understand how the vote I then gave can fetter me on the present occasion. I am not aware whether the Honourable Member for Falkirk can alter his motion so as to make it one to equalise the duties on the means of internal conveyance; but, if he can, I will vote with him. If, however, he cannot make such an alteration in the terms of his motion, — seeing the present distressed state of the revenue, — I cannot consent to place the public credit in danger by voting for the repeal of this tax, without some substitute for it being provided.

The CHANCELLOR of the EXCHEQUER. — If the Honourable Member supposes that the postmasters had not due notice of the alteration in my determination, he is in error. I stated to them, distinctly, the circumstances that influenced me, and the reasons why I could not give them the relief they required.

Mr. HAWES. — Having presented the petition from the postmasters of London and its vicinity, praying for an alteration in these duties, I feel called upon to make one or two observations. After what has been said by the Right Honourable the Chancellor of the Exchequer, — and, considering the great benefit that will be conferred on the public generally, by the concession of the penny postage, — I feel bound not to press for the reduction of this duty, immediately. At the same time, I think, as there is a falling off in the amount of the post-horse duties, that some benefit would be conferred on the postmasters, by adopting the suggestion of the Honourable Baronet the Member for Devonshire, for modifying and altering the mode of raising these duties. I am convinced that great relief would be afforded to these suffering classes by acting on this principle; while, at the same time, there would be little or no falling off in the revenue. I confess that I have no fears about the revenue generally, — because I believe that the adoption of the penny postage will, in the end, prove productive to the revenue. Many suggestions have been thrown out as to the substitution of some tax for any defalcation in the public income which possibly may arise. My Honourable Friend the Member for Wolverhampton has suggested that an alteration in the corn laws would afford relief to these parties, and be to them an

efficient substitute for that relief which they now require. I quite agree with the Honourable Member in this respect. But why should not a duty be imposed on landed property? Why should not real property bear its fair proportion of the general burden? And let me ask those Honourable Gentlemen opposite, who are landed proprietors, — the Honourable Baronets the Members for North Devon and for Northampton, who are anxious for the repeal of this tax, — to come forward, generously and nobly, and propose, as a substitute, a tax to be levied upon their own landed estates. If they will do this, we will not ask them to repeal the corn laws; and I say, let the Honourable Member for Wolverhampton, and those other Honourable Gentlemen who are favourable to an alteration in those laws, join me in urging upon the House the propriety of imposing a tax upon that species of property which is now comparatively free from taxation.

SIR C. KNIGHTLEY. — I think it is most ungenerous and ungrateful, on the part of the Honourable Member for Lambeth, to propose a tax on my property, when I was, myself, the first person who, two years ago, proposed the taking off the duty on soap.

[Much laughter].

Mr. WAKLEY. — It is feared that the reduction of this duty would endanger the revenue; but I would suggest to the Honourable Gentlemen opposite, that, by weakening the revenue, they offer the most effectual opposition to the Government. It is not speeches, but votes, that they fear. As regards the system of penny postage, I believe that the Government have adopted it with the sincere desire of benefiting the people, and I am satisfied that it will prove productive of the very best results. I wish, however, the Right Honourable Gentleman to know that I have given him no pledge as to the imposition of any new tax on account of any deficiency which may arise from carrying his experiment into execution; and I believe that, when the Right Honourable Gentleman shall come down to redeem his "pledge," he will find some very curious constructions put upon it by many Honourable Gentlemen.

[Cries of "Hear, hear!" from the Opposition benches.]

Some Honourable Gentlemen have suggested that a property tax would be a very proper means of meeting any deficiency that may arise in the revenue. Now, I like that proposition much, and shall be inclined to vote for it whenever it may be proposed. But the Right Honourable Gentleman the Chancellor of the Exchequer fears that, if a property tax were imposed, the landed proprietors would take their wealth to the Continent. Now, I am well aware of the length and breadth of the Right Honourable Gentleman's organs of caution, and I impute his fears in this respect entirely to those accidents of organisation; but I should like to see a man put five or ten thousand acres of land in his pocket, and run away to the Continent. The working man in this country is taxed in every possible form and shape. But how is the landed proprietor taxed? If a poor man die, and leave a little property behind him, a heavy legacy duty has to be paid by his survivors before they can touch it; but if a landed proprietor die, not one farthing of legacy duty is demanded from his heir. Therefore, if it should be necessary to impose any tax, a property tax is that which I should prefer. I shall vote for the reduction of the post-horse tax, as I shall vote for the reduction of all taxes that press on the people. The Honourable Member for Brighton has suggested a tax on railroads.

CAPTAIN PECHELL. — No, no!

Mr. WAKLEY. — At any rate, the Honourable Member suggested that there should be an equalisation of the duties on post horses and railways. This would be a tax on the Honourable Member's constituents, as all who travel by the railway to Brighton would have to pay an extra charge. I am against any such tax; although I admit that many hundred persons have been ruined by railways, and I regret that there is no means of making the railroad proprietors give compensation to those injured parties by proceedings in a court of law. I trust that the House will agree to the reduction of this tax, — and that, without the imposition of any new tax as a substitute; and, above all, I hope that no tax will be imposed on the means of communication, — for all such taxes are irrational and unjust.

LORD ELIOT. — The Honourable Member forgets, in his advocacy of a tax on landed property, that there are other persons in this country, besides those to whom he alludes, who possess land, and who would be entirely ruined if such a

tax were imposed. But, with regard to the question before the House, the Right Honourable Gentleman the Chancellor of the Exchequer has told us that he cannot relieve the post horse and stage coach proprietors from the unequal and oppressive burdens under which they are now labouring, because he has been called upon by the House to make a very great reduction in the postage duty. Now, although I by no means undervalue that boon, I do not think it is one of that degree of justice which is implied in a removal of the duties on those means of conveyance. Therefore, if the state of the public revenue will not permit the Right Honourable Gentleman to consent to the alteration in both cases, — on principles of justice, I consider myself bound to prefer the repeal of the tax on post horses. It has been said that it would not be proper to impose a tax on the railroad carriages, and I am quite of opinion that the means of internal communication should be left as free as possible; but, if the Government are compelled to impose such taxes, I think they ought to fall equally on all.

Mr. HUME. — I hope that my Honourable Friend (Mr. Gillon) will not press the question to a division, — as it is clear, after the discussion that this subject has undergone, that the Right Honourable Gentleman the Chancellor of the Exchequer must, at an early period, adopt some arrangement on the subject.

Mr. R. PALMER. — A few days ago, I had some communication on the subject of the post-horse duties with a very large coach proprietor, who told me that a small reduction in the amount of the duty, and an equalisation of taxation as to the high-road and the railroad coaches, would enable the proprietors of the former to go on; and that such an alteration would also be attended with an increase of revenue. I regret that the Honourable Member opposite (Mr. Gillon) has not so worded his resolutions, as to make them resolutions for the appointment of a committee to inquire into these duties with a view to their equalisation. As it appears that there is likely to be a deficient revenue, I cannot feel myself justified in supporting, to their full extent, the present resolutions; but, as an equalisation of the duties will probably be attended with no loss of revenue, I would willingly support a proposition to that effect.

Mr. G. PALMER. — It is agreed, on all sides, that injustice is inflicted on the postmasters by the operation of this tax. I contend, then, that, as a clear case has been made out, it becomes the duty of the Chancellor of the Exchequer to devise some adequate remedy for this injustice. Independently of the postmasters, the public are deeply interested in this question. Are the people of this country to be compelled to travel by railways, only? Sir, if this tax be not taken off, the consequence will be, the removal of all the post horses and stage coaches off the roads, and the closing of all the inns and the houses of accommodation throughout the country. The people will then be compelled to travel by railroads, and will be exposed to the grossest impositions, — as the proprietors may charge what they please, seeing that railroads will be perfect monopolies.

Mr. EASTHOPE. — I cannot but be surprised at the extreme incorrectness of the impression that prevails in the minds of several Honourable Members, touching the existing taxes on the means of communication; as if there were no taxes on conveyance by railways. There is, however, very considerable taxation bearing on railroads; and I know that a very large proportion of the capital embarked in the railroads has never paid anything, yet, to the proprietors, although it pays largely to the state. I do not quarrel with this state of things; but, when Honourable Members make these observations, do they recollect that, in taxing railroads, they would be taxing themselves and the rest of the community? — for it would be nothing more nor less than a tax on conveyance. The Honourable Member for Essex says that the railroads are entire monopolies, and that the proprietors may charge what they please as the rates for conveyance. If this be the case, does not the Honourable Gentleman see that a tax on railroads would operate as a tax on the passengers? If a monopoly existed, the railway proprietors might increase the charge to passengers to the amount of the tax. The Honourable Member also speaks as if persons were compelled to travel by railroad, whether they will or not; and as if the interest of the proprietors of railroads did not consist in consulting the convenience of the public. I want to know whether anything has arisen to induce persons to abandon travelling by coach, other than the motive of general convenience? No parties, however, can be more interested than the railroad proprietors in reducing the taxation on stage coaches, as nothing can be more for their interests than low charges for travelling by coach, as passengers will thus

be brought to the railroads. I cannot help feeling that the notion of setting up railroad travelling against travelling by coach, is a very superficial view of the question. I am sure that no railway company, that knows its own interest, would wish for a tax on stage coaches, or on any other means of conveyance.

COLONEL SIBTHORP. — I should like to see a Return, containing the names of all proprietors of railways; we should then be the better enabled to understand the interest of particular Members in their votes on such questions. For my own part, I have always voted against railroads, and I always shall,—for I believe them to be absolute monopolies. I shall vote for the reduction of this tax; and the more I put the Chancellor of the Exchequer into difficulties by such a course, the more I shall rejoice.

The House then divided: — Ayes 109; Noes 48; — Majority 61.

AYES.

Acland, Sir T. D.	Hobhouse, Right Hon. Sir J.
Adam, Admiral	Hodges, T. L.
Aglionby, H. A.	Hope, Hon. C.
Baring, F. T.	Hoskins, K.
Barrington, Lord Visct.	Howard, P. H.
Barry, G. S.	Howard, Sir R.
Bernal, R.	Howick, Lord Visct.
Blair, J.	Hume, J.
Blake, W J.	Hutton, R.
Bowes, J.	Inglis, Sir R. H.
Bridgeman, H.	Kinnaird, Hon. A. F.
Broadley, H.	Labouchere, Rt. Hon. H.
Brocklehurst, J.	Langdale, Hon. C.
Brodie, W. B.	Leveson, Lord
Brotherton, J.	Lowther, J. H.
Campbell, Sir J.	Lushington, C.
Cavendish, Hon. C.	Lushington, Rt. Hn. S.
Clay, W.	Lygon, Hon. General
Clements, Lord Visct.	Macaulay, T. B.
Clive, E. B.	Macleod, R.
Craig, W. G.	Martin, J.
Dalmeny, Lord	Maule, Hon. Fox
D'Eyncourt, Rt. Hon. C. T.	Milton, Lord Visct.
Donkin, Sir R. S.	Morris, D.
Douglas, Sir C. E.	Muskett, G. A.
Duncombe, T.	Noel, Hon. W. M.
Easthope, J.	Norreys, Sir D. J.
Elliot, Hon. J. E.	O'Connell, M. J.
Ellis, W.	O'Ferrall, R. M.
Evans, W.	Packe, C. W.
Ferguson, Sir R. A.	Palmer, R.
Fitzroy, Lord C.	Palmerston, Lord Vt.
Gordon, R.	Parker, John
Graham, Rt. Hon. Sir J.	Pendarves, E. W. W.
Grey, Rt. Hon. Sir G.	Philips, M.
Hall, Sir B.	Pigot, D. R.
Harcourt, G. G.	Price, Sir R.
Harcourt, G. S.	Redington, T. N.
Hawes, B.	Rice, Rt. Hon. T. S.
Heathcoat, J.	Roche, W.
Hector, C. J.	Rolfe, Sir R. M.
Henniker, Lord	Rose, Rt. Hon. Sir G.
Rumbold, C. E.	Thomson, Right Hon. C. P.
Rushbrooke, Colonel	Townley, R. G.
Russell, Lord J.	Troubridge, Sir E. T.
Rutherfurd, Rt. Hn. A.	Villiers, Hon. C. P.
Seale, Sir J. H.	Wall, C. B.
Seymour, Lord	Wallace, R.
Smith, J. A.	Warburton, H.
Smith, R. V.	Wilshere, W.
Somerville, Sir W. M.	Wood, C.
Stanley, Hon. W. O.	
Stock, Dr.	*Tellers.*
Style, Sir C.	Stanley, E. J.
Talbot, C. R. M.	Steuart, R.
Teignmouth, Lord	
Thornely, T.	

AYES.

A'Court, Captain	Hindley, C.
Alford, Lord Visct.	Hodgson, R.
Archdall, M.	Hogg, J. W.
Barnard, E. G.	Hutt, W.
Bentinck, Lord G.	Kelly, F.
Berkeley, Hon. C.	Knightley, Sir C.
Blackstone, W. S.	Murray, A.
Bramston, T. W.	Palmer, G.
Brownrigg, S.	Pechell, Captain
Bruges, W. H. L.	Richards, R.
Buck, L. W.	Salwey, Colonel
Buller, Sir J. Y.	Sanderson, R.
Cartwright, W. R.	Scholefield, J.
Cayley, E. S.	Sheppard, T.
Cochrane, Sir T. J.	Sibthorp, Colonel
Crawley, S.	Spry, Sir S. T.
Denison, W. J.	Thompson, Alderman
De Horsey, S. H.	Turner, W.
Dunbar, G.	Vigors, N. A.
Eaton, R. J.	Wakley, T.
Egerton, W. T.	Williams, W.
Elliot, Lord	Worsley, Lord
Euston, Earl of	
Fielden, J.	*Tellers.*
Finch, F.	Gillon, W. D.
Hinde, J. H.	Handley, H.

Main question put, and agreed to; House resolved into Committee of Supply.

The following votes were severally agreed to: —

Public buildings, 84,066*l.*

Kingstown Harbour, 10,000*l.*

Holyhead Road, 16,500*l.*

British Museum buildings, 11,250*l.*

Houses of Parliament (temporary accommodation), 6938*l.*

Houses of Parliament (new buildings), 50,300*l.*

Penitentiary, Millbank, 1110*l.*

Parkhurst Prison, 4180*l.*

Post Office, Glasgow, 8000*l.*

On the question, "That a sum, not exceeding 3000*l.*, be granted to defray the

expenses of the Ecclesiastical Commission, &c.," being put, —

Mr. HUME said: — Before we accede to this grant, I think we should inquire whether this commission be in existence, or not? I understand that the Members have struck, refusing to work any longer, and that the Noble Lord at the head of the Home Office is now the whole commission.

LORD JOHN RUSSELL. — The Ecclesiastical Commission is constituted by Act of Parliament. No member of the commission is paid, and the money is required for the secretary and clerks. I certainly attend the meetings of the commission regularly; but I cannot be the whole commission, because the presence of five members is necessary for the transaction of business.

Mr. T. DUNCOMBE. — A sum of 500*l.* was asked as the estimated expense of passing the Chapter Bill now in the House. As there is no chance of that Bill passing, I shall move that the amount of the vote last read be reduced by 500*l.*

LORD JOHN RUSSELL. — I have no objection to the reduction.

The sum of 2500*l.* was then agreed to.

The following votes were then severally agreed to: —

Ecclesiastical Commission, 2500*l.*

Poor Law Commission, 64,850*l.*

Slave Trade Commission, 14,700*l.*

Factory Inspectors, 8850*l.*

Prison Inspectors, 5600*l.*

Mint, 51,175*l.*

Toulonese emigrants, &c., 8500*l.*

On the question, "That a sum, not exceeding 1850*l.*, be granted to her Majesty, to defray the expenses of the National Vaccine Establishment," being proposed, —

Mr. WAKLEY said: — I wish to call the attention of the committee, for one moment, to the system of inoculation for the smallpox which is still practised by many surgeons. This is a most objectionable, and, indeed, highly dangerous system; and one which, I think, ought to be prevented by some legislative measure. An opinion has gone abroad, that vaccination is, in many cases, ineffectual as a preventative of the smallpox; but my decided opinion is, that, if properly used, it is a perfect preventative against that fatal malady. If I thought I should be likely to meet with support, I would, myself, introduce such a measure next Session.

The following votes were then severally agreed to: —

Refuge for the Destitute, 3000*l.*

Criminal Lunatics, 3073*l.*

Protestant Dissenting Ministers, and others, 4200*l.*

Resolutions to be reported this day; to sit again on Wednesday.

PUBLIC WORKS (IRELAND) BILL. — SALE OF BEER BILL. — GRAND JURY CESS (IRELAND) BILL. — WAYS AND MEANS. — ASSAULTS (IRELAND) BILL. — SALE OF SPIRITS (IRELAND) BILL. — SHEEP-STEALERS (IRELAND) BILL. — EXCISE LICENCES (SALE OF SPIRITS) BILL.

Committees severally deferred till Wednesday.

SHANNON NAVIGATION BILL.

Report deferred till Wednesday.

METROPOLIS IMPROVEMENT BILL.

Second reading deferred till Wednesday.

ADMIRALTY COURT BILL. — CONSTABULARY FORCE (IRELAND) BILL.

Committees deferred till Thursday.

COUNTY COURTS BILL.

Further consideration of Report put off for three months.

EMBANKMENTS (IRELAND) BILL.

Second reading put off for three months.

JURORS AND JURIES (IRELAND) BILL.—NEW SOUTH WALES BILL.

Severally considered in committee; to be reported this day.

SLAVE TRADE (PORTUGAL) BILL.

Report further considered; amendments agreed to; other amendments made; Bill to be read a third time on Thursday; Bill, as amended, to be printed.

INLAND WAREHOUSING BILL.

Read a third time, and passed.

JUDGES' LODGINGS BILL.

Considered in committee, and reported, without amendment; to be read a third time on Thursday.

FINES AND PENALTIES (IRELAND) BILL.

Considered in committee, and reported, without amendment; to be read a third time on Wednesday.

TURNPIKE TOLLS BILL.

Considered in committee; to be reported on Wednesday.

MILITIA BALLOTS SUSPENSION BILL.

Read a second time, and committed for Wednesday.

HIGHWAYS (No. 2.) BILL.

Reported, with amendments; amendments agreed to; Bill to be read a third time on Wednesday.

UNLAWFUL OATHS (IRELAND) BILL.

Read a third time; amendments made; Bill passed.

BASTARDY.

Bill, "to enlarge the Jurisdiction of Justices of the Peace in Petty Sessions, in Cases of Bastardy," ordered to be brought in by LORD JOHN RUSSELL and Mr. ATTORNEY GENERAL.

STAGE CARRIAGES.

Bill, "to reduce certain of the Duties now payable on Stage Carriages," ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING.

POOR RATES COLLECTION.

Bill, "to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor," presented, and read a first time; to be read a second time on Friday, and to be printed.

BILLS OF EXCHANGE (No. 1.) BILL.

Lords' amendments to be taken into consideration upon this day three months.

BILLS OF EXCHANGE (No. 2.) BILL.

Lords' amendments agreed to.

STAGE CARRIAGES.

Bill, "to reduce certain of the Duties now payable on Stage Carriages," presented, and read a first time; to be read a second time on Wednesday, and to be printed.

RETURNS, PAPERS, &c.

Unstamped Promissory Notes (Ireland). — Return.

Printed Papers. — Return.

Coronation Expenses. — Return.

Bankruptcy Fiats. — Return.

Queen's Printer (Scotland). — Paper.

John Thorogood. — Paper.

(Severally presented on the 19th of July). — To be printed.

Adjourned at half after one o'clock.

HOUSE OF LORDS, MARTIS, 23° DIE JULII, 1839.

APPEALS.

Stewart *v.* Gloag. — Further and fully heard, and consideration adjourned to Thursday next.

Barry (pauper) *v.* Waddell. — Consideration of the cause (which stood appointed for this day) put off to Thursday next.

Crawford *v.* Edward. — Petition of the respondent to defend *in formâ pauperis*. — Read, and ordered as prayed.

Creighton *v.* Rankin (first appeal); Creighton *v.* Rankin (second appeal). — Petition of the respondent for leave to lodge cases. — Read, and referred to the Appeal Committee.

Lord Dunglas *v.* Duke of Argyle. — Petition of the appellant for further time to lodge cases. — Read, and referred to the Appeal Committee.

The Marquess of Breadalbane *v.* Campbell. — Leave for a recognizance to be entered into for the appellant.

VISCOUNT TAAFFE'S CLAIM TO VOTE FOR REPRESENTATIVE PEERS FOR IRELAND.

Committee for Privileges met; claimant's counsel heard to open the petition, and Mr. Attorney General heard thereon; and the committee adjourned *sine die*.

RUTHERFORD PEERAGE.

Committee for Privileges met; claimant's counsel heard, and Mr. Attorney General heard; and the committee resolved, That the claimant had not made out his claim to the title and honour of Baron Rutherford.

AIRTH PEERAGE.

Committee for Privileges to meet on Thursday, the 1st of August next.

RUSSELL'S ESTATE BILL.

Read a third time; amendments made; Bill passed, and sent to the Commons.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO THE ADDRESS OF YESTERDAY.

Reported.

BELPER SMALL DEBTS BILL. — ABERFORD SMALL DEBTS (No. 2.) BILL. — CHESTERFIELD SMALL DEBTS BILL. — ECKINGTON SMALL DEBTS BILL. — GLOSSOP SMALL DEBTS BILL. — GRANTHAM SMALL DEBTS BILL. — HATFIELD SMALL DEBTS (No. 2.) BILL. — NEWARK SMALL DEBTS BILL. — NOTTINGHAM SMALL DEBTS BILL. — OLDHAM SMALL DEBTS BILL. — ROCHDALE SMALL DEBTS BILL. — ROTHERHAM SMALL DEBTS BILL. — WARRINGTON SMALL DEBTS BILL. — WIRKSWORTH SMALL DEBTS (No. 2.) BILL.

Read a second time, and committed for Thursday next.

SUPREME COURTS (SCOTLAND) BILL.

Order of the Day for the third reading, and the Lords summoned, read; Bill read a third time accordingly, and passed.

SCOTCH CHURCH.

The DUKE of RICHMOND presented a

petition in favour of the principle of non-intrusion, — of inhabitants of Edinburgh. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD FITZGERALD and VESCI. — My Lords, I beg leave to present a petition from the town and county of Galway, complaining of certain provisions in the present Irish Municipal Corporations Bill, with respect to boundaries, which the petitioners allege will cause them to be partially and unjustly taxed. Their prayer is, either that the arrangements proposed by the Bill may be altered, or that the town of Galway may be placed in Schedule B. The petition was adopted at a public meeting of the townspeople; and there was but one solitary dissentient present, although the meeting was composed of persons of all religious persuasions.

INLAND WAREHOUSING BILL. — UNLAWFUL OATHS (IRELAND) BILL.

Brought from the Commons; read a first time; to be printed; and to be read a second time on Friday next.

HILL COOLIES IN THE WEST INDIES.

LORD ELLENBOROUGH. — I wish to ask a question of the Noble Marquess the Secretary for the Colonies, in connection with a subject in which I feel a deep interest. In the *Times* of this morning, a statement of the most distressing character appears on the deplorable condition of the Hill Coolies who are imported from Bengal into Demerara. It appears that a Report has been presented to the Court of Policy in that colony, by a body, with rather a singular designation — namely, "the Emigrant Commission." I have not seen this Report; but it is described as containing a fearful account of the condition of those unfortunate people, — and the account of the ravages which disease has already made amongst them is most lamentable. On one estate, — Bellevue, — not less than twenty of these poor creatures have died; and twenty-nine are described as lying in the hospital, in a state which the commissioners report is one hardly to be described. The hospital, itself, would seem, from the nature of it, to be much like a pest-house; and the manager of the estate, who was found labouring under fever, acquainted the commissioners, that he "contracted his attack by going into that hospital." The circumstances, thus detailed, have created considerable sensation, and much exasperation, among all the more respectable members of the Demerara community, against the owners of the estate in question, where such cruel neglect must have been permitted. It was hoped that the Governor would, forthwith, cancel the indentures under which the unfortunate Coolies had been engaged. I wish to know from the Noble Marquess, whether he is in possession of this Report? and, if he be, whether he has any objection to laying it on the table?

The MARQUESS of NORMANBY. — I am not in possession of the Report. I have, however, seen the account alluded to by the Noble Lord; and the statement, also, that fourteen of these persons died, within a very short period, on one estate. I have read the proceedings under an examination which was instituted into this part of the subject, and the evidence is well worthy of the most serious attention; and it appears clear to me, that the matter requires the greatest attention on the part of the Government.

LORD ELLENBOROUGH. — I doubt not that the Noble Marquess will devote the most serious attention to the subject. The Noble Marquess is not answerable for what has occurred. But I must say this, — those who advised the emigration or importation of these Hill Coolies, under the Order in Council for that purpose, are deeply responsible for the consequences that have ensued.

LORD BROUGHAM. — I cannot allow this very important matter to be the subject of a mere passing observation or two, merely, and then, perchance, to be forgotten. I am painfully reminded of the warning which I gave your Lordships when the subject of these Hill Coolies was under discussion last year, and when, unhappily, you refused to attend to my warning. I never foresaw anything but the worst possible consequences from this detestable traffic in slaves, — for it is nothing less, disguise it as you will, — under the name of apprentice hiring, being renewed, after all the attempts which have been made, for so many years, on the part of this country, to get rid of it, and from its being extended into British Asia, after the mischiefs it has visited to Africa. It appears, now, that five out

of every eight of these wretched beings, on one estate, have perished. Out of eighty, there have actually died twenty in the course of a few months; and twenty-nine others are in such a state, that the pangs of death, it may be said, would be a relief from their wretchedness and sufferings, — and, therefore, comparatively, would be a mercy as well as but a certain evil. And all these circumstances are to be contemplated with this most painful aggravation, — that they are to be added to the murders which have been committed on the passage of the companions of these wretched persons by sea; of these persons who have survived the horrors of that desperate and cruel operation, — the carrying them over the seas from their native home to the charnel-house of Demerara, — for only a very short period. I know that a great amount of blood-guiltiness must hang over the heads — if they have no consciences — of those who are concerned in this traffic, and who, if not here, must, hereafter, be answerable, elsewhere, for the murders committed in that fatal passage; because I find that the papers which are upon the table of your Lordships' House contain the astounding fact, that 20 per cent., in one vessel, perished, miserably, in a voyage of five weeks, between Asia and Demerara; and 30 per cent. in another; — mortality exceeding, by far, even the wholesale massacres of the African slave trade itself. I hope, therefore, that I shall now receive an answer to the question which I formerly put, because, coupled with what has been stated by the Noble Baron, this evening, the case becomes much aggravated, and calls for immediate explanation. It is said that two or three slave vessels were seized, some short time since on the Brazilian coast, — their cargoes — such was the term applied to their contents — their human cargoes — consisting of 1400 wretched beings; — and, under pretence of these unfortunates being liberated, it is further stated that they have been apprenticed at 5*l.* per head. And where? In foreign slave countries, where there is no security that they will be treated even so well as they are in Guiana; and I wish to know whether it is the permitted practice for our cruisers to apprentice these unfortunate men in those countries where slavery still exists, instead of carrying them to our own colonies? I hope I shall receive an answer denying the statements which have been made with regard to this subject.

The MARQUESS of NORMANBY. — I believe that the facts are not precisely such as have been stated by the Noble and Learned Lord; but I will take care to inquire into the subject.

SPAIN.

The MARQUESS of LONDONDERRY.—My Lords, in pursuance of the notice which I have given, I now rise to put some questions to the Government, relative to the correspondence which has been laid upon the table with regard to the affairs of Spain. These questions are of considerable interest; but, in offering myself to your Lordships' attention, I am aware, considering the late period of the Session, and the many important measures which are pressing themselves on your Lordships' notice, that it will not be proper for me to trespass at any great length upon the time of the House. I, however, feel so strongly upon this subject, and consider the papers which have been laid upon the table as being so condemnatory of the conduct of the Government towards Spain, that I cannot allow the Session to close without bringing those papers under your Lordships' consideration. I moved for them at an early period of last Session; but the delay which has taken place in their production has, I fear, prevented those who feel less interested in the affairs of Spain, than I am, from wading through the documents. Those papers fully show the bad effects of the course of policy which has been pursued by the Government; and I am persuaded that, if you had not departed from the line of policy which was recommended by my Noble Friend the Noble Duke (the Duke of Wellington), — if you had not put forward your "Auxiliary Legion," — and if you had adhered to a neutral line of policy, — you would, in such a case, have been heard with respect and deference by both parties engaged in the Spanish contest; and it would have been unnecessary to call for the interference of the great powers of Europe to put an end to those atrocities which so disgrace the war in Spain. But you departed from a neutral line of policy, and made yourselves a party in the war; and the consequence is, that you are now disregarded by both parties. But what has been the result of this departure from the only line of policy which was consistent with the honour and dignity of a great nation? After the Legion returned, as it did, so disgraced, — nothing having been accomplished by it,—you have been obliged, at the eleventh hour, to apply to the great powers, and to demand the exercise of their moral influence to put an end to the

atrocities which have marked the war in Spain, and to enter into a convention to secure that desirable object. If this course had been adopted five years ago, — if it had been adopted when it was recommended by the Noble Duke near me, — those massacres would never have disgraced civilised Europe. I venture to say, that the truth of this assertion is fully borne out by the papers which have been laid upon the table; and, for myself, I desire no other means for insuring the condemnation of the conduct of the Government, than the correspondence which the Government has, itself, produced. I think, however, my Lords, that there is much ground for complaint as to the manner in which the correspondence has been laid before your Lordships. The papers have been brought up in a manner so unsatisfactory, that it appears to me as if a disposition had existed, in some quarters, to evade the order which the House has made upon the subject. On the first page there is an extraordinary statement, to which I wish to call your Lordships' attention. Last year, I moved for these papers, in order to show what aid had been furnished by this Government — either in money, arms, or stores — to Muniagorri. This is a new chief, who has been favoured by our Government; and I was anxious to know the nature of his correspondence with Lord John Hay, and what stores had been furnished to him. At the bottom of the first page of the correspondence, however, there is a memorandum stating, "There is nothing to show that any articles were specifically furnished to Muniagorri, the Spanish chief;" but if we turn to the end of the papers, we shall find it stated that "no communication on this subject had been received at the Foreign Office from Lord John Hay," — whereas it is certain that arms and ammunition were sent. But if no communication have been received, and if stores had so been sent to Muniagorri, why did not the Foreign Office call upon Lord John Hay to furnish a specific return? This is not a complying with the orders of the House; for if arms and stores have been sent, they ought, in accordance with the order of the House, to have been distinctly specified. This fact will show to your Lordships the inaccuracy with which those papers have been prepared, and the partiality which pervades the whole; whilst the desire to fix the blame of the atrocities which have been committed on one party, only, is not less conspicuous.

My Lords, the agents of the British Government seem to me to have taken the truth of whatever communications were made to them, for granted, without examination, and without any proof of their accuracy. I find it stated, in one of the letters, that a great number of prisoners had been murdered by General Cabrera, since the 1st of October, 1838; and these Returns were forwarded by Colonel Lacy, a British officer; but we have here no means of knowing, nor is there any evidence to show, that these statements are correct. In fact, if we look through the correspondence, we shall find that Cabrera denies the truth of the charges which have been made against him by Colonel Lacy; and I should like to know whether the official despatches of the Spanish General are not as much to be relied upon as the communication of this British officer? In a letter, also, which has appeared in all the newspapers, from Cabrera, he affirms, distinctly, that the statement of Colonel Lacy is not true, when the latter says that he gave no quarter, — he declares that the charge is wholly false: and he shows, further, in that letter, that 3000 prisoners had been spared. Her Majesty's Government, therefore, have founded their representations to the great powers on statements which do not rest upon facts; and it manifests great partiality, on the part of Ministers, thus to have laid the blame of these atrocities on the Carlists alone, when it is well known that the Christinos are, at least, equally guilty. Yet it is upon this one-sided evidence that the Secretary for Foreign Affairs calls upon the Ministers of the great powers to exercise their influence to put an end to such disgraceful proceedings! But, in fact, the whole of the statements contained in the correspondence seem to have been made upon a false view of the real state of things. If these charges against Cabrera are false, — in the representations which have been made by the Foreign Secretary to the foreign courts, — it is clear that the whole blame ought not to be thrown on one party, exclusively; and if Cabrera be denounced as a monster, the Noble Lord should consider whether there are not monsters, also, on the other side. If all these charges and all these hard words be directed against one party, only, great injustice will be done, for the other party was not less to blame. These partial representations were, however, sent to the ministers of the great powers; and Lord William Russell wrote a letter, in consequence, in which Cabrera is denounced as a monster. This is a term which ought not to have been applied: such language, in the mouth of a minister, is certainly

highly improper. But, my Lords, this is not all. Lord William Russell also asked the minister of Russia to "abandon the Carlist cause." Was that a fair and honest course to take? No; but it was one of which the Foreign Secretary, in a letter to Lord William Russell, declared that he approved. In my opinion, however, such a course as this is unworthy of a great country. We have, in the first place, been obliged to ask the aid of other powers to put an end to the atrocities which have marked the Spanish contest; and when this aid has been obtained, we then turn round upon those powers, and try to induce them to withhold their support from a cause which they consider to be just. This, I must say, was a step most unbecoming a great nation;—it was not the direct and manly course of policy which England ought ever to pursue. But what are the principles upon which this convention has been formed? It clearly seems, that when the efforts of the present Government fail in a case, in which they have, still, an object to carry, they are obliged to resort to the great principles which have been acted on by the Noble Duke near me. Her Majesty's Ministers, for eight years, tried to settle the affairs of Belgium and Holland; and, in the end, they were obliged to apply for the assistance of the great powers. They have long tried to settle the contest in Spain; and yet, in the end, they have been obliged to ask the aid of the great powers, with a view to to accomplish an arrangement for an exchange of prisoners. I have, therefore, on looking for any final arrangement, had my attention directed to the great treaty to which I have alluded; and what do I find are the terms of that treaty? It has been stated that the great objects and the leading principles of that treaty are, to maintain the peace of Europe; and that, in the attainment of this object, the general policy of Europe should be consulted. Whatever course a Government may pursue, they will, in the end, be obliged always to return to these great principles; and I regret to see, in the papers upon the table, a disposition to pursue a different course. Russia asked—when the consent of that power was obtained to aid in "terminating the atrocities" of the Spanish contest—whether there were not, now, good grounds for putting an end to the war altogether? And what followed? Why, my Lords, the Foreign Secretary wrote to Lord Clanricarde, to ascertain what were the views of Russia on this head; and whether that power would consent to measures for terminating the war in Spain. Now, this was, certainly, a most extraordinary course. It was, certainly, an extraordinary course for the Government to call on one individual power to express its views on this subject; and the Foreign Secretary must have been young, indeed, in his office, if he expected that Russia would consent to explain itself in answer to such a proposition. The Noble Lord at the head of the Foreign Department said that there were particular circumstances which placed this country and France in a different position from that occupied by other great powers. Now, what are the different circumstances which affect our position, in all that regards the pacification of Spain? What grounds are there, my Lords, for supposing that, when a general measure is proposed, which is consonant with humanity, the quadruple treaty places us in a different position from other powers? I do not argue that the attempt to end this war must necessarily succeed; but I contend that it is very probable it might; as one party is too powerful to allow the other to put it down, and both parties have been reduced to a state of comparative inaction. I believe that the people of Spain are, now, generally, brought to the belief, that it would be wise and expedient to terminate the war; and I do not see why the great powers should not bring about such an arrangement. An armistice might be proclaimed, pending the negotiations,—which would of itself tend to allay the animosities that have been excited. But the Noble Lord at the head of the Foreign Department has stated two reasons for declining to act upon the suggestion of Count Nesselrode. One is, that this country and France have different obligations imposed upon them from the other great powers; the second is, that the proposition having been made by Russia, but declared by England to be inadmissible, if it contemplate measures not in accordance with the quadruple treaty,—the matter drops on the part of Russia. But, my Lords, this is not the case; for the very last letter which Lord Clanricarde has addressed to the Foreign Office, states distinctly that Count Nesselrode proposed that the five plenipotentiaries should meet,—professing himself unable to state, precisely, at the time, what were his ideas upon the subject, but urging the propriety of coming to some arrangement. My Lords, I say, then, that, if Russia have stated this, it is surely becoming in us to meet her on the other side. There is, on the opposite side of the House, a Noble Earl, who has lately returned from his embassy in Spain, and who

rill, perhaps, be able to give your Lordhips some information on the subject. f I am asked what object I have in ringing this question forward at this late eriod of the Session, and whether I hope derive any advantage from doing so? must admit that I have no such exectation; but I nevertheless have felt it be my duty to call the attention of your ordships to matter.

Another point, on which I wish to ask question of the Noble Marquess, relates the conduct of the Spanish Government wards the officers of the British Auxiary Legion. I urged their claims upon ie Noble Viscount on a former evening; ut I am sorry to see that our Governent are powerless; and that they can o nothing, either at home or abroad. I ish to ask the Noble Viscount whether e cannot make some arrangement with ie Spanish Government, on the behalf f these unfortunate men, with respect their pay and allowances? A commision was appointed to inquire into their laims, and it gave them certificates of ie amounts due to them; but the money as not been paid. Let the commission ct in a little more generous way, by llowing them interest upon the sums n the face of the certificate. When brought this subject before the House, ie other day, I showed that the doument, in question, bears neither date or interest. This very day, Colonel llice, who was left by Colonel De Lacy vans in charge of the rear-guard, and ho, I believe, was the very last man to ave Spain, called on me, and produced a rtificate, from which it appears that no ss a sum than 850*l.* is due to that inividual. Colonel Ellice said that he had wife and children dependent upon him, t that he could not get any money, whatver, from the Spanish Government. I ink that interest ought to be allowed these long-standing arrears, until the incipal be paid. I entreat the Noble iscount to see whether he cannot do jusce to the British officers and soldiers, calling on the Spanish Government to low them interest upon the certificates. here is another point to which I wish to rect the attention of the Noble Viscount, id it relates to the Eliot convention. he excuse which was offered for not exnding the provisions of that treaty to l parts of Spain was, that a number of rauders and robbers might obtain the nefit of the convention, and get themlves exchanged, under it, as prisoners of ar. Now, my Lords, surely this was a mplete subterfuge; and our Government ould never have been led astray by such a declaration on the part of the Government of Madrid. My Lords, the papers to which I have referred are very voluminous, and the observations which I have offered have been, necessarily, of a desultory character, as the contents of the papers suggest a great number of considerations; but, feeling as I do with respect to Spain, I do not shrink from raising a discussion on the subject. At the same time, I do not expect that anything which has been urged by me will have the smallest effect on the Noble Viscount, or his Cabinet; but I have the consolation of knowing that the attention of all Europe will be directed to the policy of the British Government, — than which, nothing can be more infatuated. I wish to ask the Noble Viscount, in the first place, whether there are any engagements, in the opinion of her Majesty's Government, under the treaty of the quadruple alliance, which would prevent Great Britain from entering into negotiations with the other great powers for the avowed purpose of bringing about the pacification of Spain? Secondly, I wish to know why, if England and France really do not stand in the same position to Spain as the other great powers, overtures were made on this subject on the 27th of November? and whether it is understood that England and France are to monopolise the affairs of Spain? Thirdly, I would ask whether it is the intention of her Majesty's Government to forego the extension of the benefits of the Eliot convention to the whole of Spain? And, lastly, whether the Government intend to take more decisive measures in order to induce the Spanish Government to liquidate the claims of the officers of the British Legion, — or, at least, to grant certificates bearing date from the time they were due, and carrying interest?

The EARL of CLARENDON. — My Lords, I feel that there is something irregular in my rising to address your Lordships before the Noble Marquess has received an answer to the questions which he has put to the Noble Viscount; but the Noble Marquess having done me the honour to say that your Lordships expect some information from me with reference to Spain, and having no doubt that the Noble Viscount will give the Noble Marquess a satisfactory answer, I am anxious to make a few remarks on the speech of the Noble Marquess; and I trust, therefore, that your Lordships will extend to me your usual indulgence while I submit to you some observations. As it appears from these papers, themselves, that the object

sought by her Majesty's Government in mitigating the horrors of the war in Spain has been achieved; — as, also, the answers to the questions now put may be gathered from them, — and as some weeks have elapsed since these papers were laid upon the table, without the Noble Marquess's sense of duty having impelled him to bring the subject under the notice of your Lordships, — I am rather inclined to think that some other motive than that which the Noble Marquess has avowed, is at the bottom of this discussion, and that the Noble Marquess considers that the cause which he has espoused stands, at this moment, more peculiarly in need of his assistance. The Noble Marquess has, therefore, come to the rescue, and has urged the interposition of the European powers, not so much from a wish for a pacific settlement of the Spanish question, as from a fear that the mediation, if too long deferred, may arrive too late. I am aware that a discussion on Spanish affairs must be very irksome to your Lordships, and that you may not have had time to read even what has appeared in the public prints on the subject. I will, therefore, take the liberty of stating that there has lately been published an intercepted correspondence between Don Carlos and Cabrera, from which it appears that Don Carlos has been carrying on an intrigue against his General, Maroto, on whom he pretends to rely, but whom, in his heart, he detests. Your Lordships may recollect that this Maroto had put to death six brother generals, without trial, whom he considered as his rivals. On receiving information of this proceeding, Don Carlos, by the advice of his Council, proclaimed Maroto a rebel and a traitor. By way of proving that he was not such, Maroto advanced with his army upon Don Carlos; and the latter then issued another proclamation, in which he declared that he had been deceived, and ordered the first proclamation to be burnt in every town; and I would remind your Lordships that when a paper is burnt, it is burnt by the hands of the common hangman. Don Carlos also expressed a hope that his "faithful subject" — Maroto — would accept of this apology. Maroto did so, and thus became supreme; but from that moment Don Carlos has never ceased to intrigue against him; and the intercepted correspondence shows that there prevails, at present, the greatest discontent among the Carlists, and the greatest want of means; and I know that several eminent Carlists, both in Spain and elsewhere, are of opinion that the cause of Don Carlos was never in so unpromising a situation as it is at present. It is possible that this feeling may have extended to the Noble Marquess, and hence may have arisen his present proposition for placing Don Carlos on an equality with the Queen.

Your Lordships will have seen that an application has been made to the Northern Courts, to request their intervention with Don Carlos, in order to put an end to the atrocities which have so long disgraced the war in Spain. The Courts of Russia, Prussia, and Austria have responded to this application in a manner which does them infinite honour; and Russia has also thrown out a suggestion that some means might be taken to put an end to the war altogether. My Noble Friend the Secretary for Foreign Affairs thereupon thought it his duty to inquire what was the basis of the proposed arrangement; because France and England, having acknowledged the Queen's rights, could not secede from the obligations which the quadruple treaty imposed on them. I ask the Noble Marquess whether, if he had been a party to that treaty, he would have permitted Don Carlos to treat on equal terms with the Queen? I am sure the Noble Marquess would not have done so, and that he knows the value of a treaty too well to have done so. I also ask the Noble Marquess, as he has alluded to the treaty made at Aix-la-Chapelle, whether he recollects the protocol signed by the representatives of the great European powers on that occasion, which provides that no interference shall take place with the internal affairs of another power, unless by an invitation from that power, which is also to send a representative to the congress? How, then, can the five great European powers interfere in the internal affairs of Spain? and how can a representative from this country attend the congress? Would the Northern powers consent to see Spain represented by the Queen, alone, in that congress? and if not, what right have they to demand that Carlos shall be represented? The Noble Marquess seems to fancy that, if such a congress were to assemble, and the members of it were to concur, they might impose conditions on Spain; and he has named an armistice as one of these. It is extremely unlikely that the members would be agreed in their view of the case, especially on the principle that Count Nesselrode contemplated, of taking Belgium to be a parallel case. With respect to the independence of Belgium, all parties were agreed; but how can it be possible to expect the concurrence of all the great powers of Europe on the Spanish question? Does the Noble Marquess imagine

at Spain would submit to have an ar-
istice, or any other measure, imposed
1 her by foreign intervention? Does
: draw such a conclusion from history?
· from his knowledge of Spanish cha-
cter? Any attempt to impose condi-
ons on Spain would unite all parties in
at country in opposition to foreign in-
rference. Perhaps the Noble Marquess
inks that the powers of Europe might
arch an army into that country? but
es he believe that any form of govern-
ent established by such means would
dure for one hour after the last foreign
ldier had recrossed the frontier? In
y opinion, the unsolicited interference
foreigners, in Spain, will always prove
miserable failure. The Noble Marquess
ill admit that British intervention has
en exercised with success, in mitigating
e horrors of war. That such has been
e result is, indeed, shown by the papers
1 the table. But the Noble Marquess,
remarking on the Eliot treaty, charged
e Government with having failed to ren-
er its operation general throughout Spain.
am sure the Noble Marquess will not
ny, that, in times of civil commotion,
always happens that robbers and male-
ctors take advantage of the prevailing
nfusion, and raise the standard of revolt
lely for the purposes of crime. If, then,
e Eliot treaty were applied to such men
: these, it would more than quadruple
eir present number, and produce end-
ss evil consequences. Indeed, it is
ite impossible that it could be carried
to effect generally, though it might be
ted upon in the Basque provinces,
here there are two armies opposed to
ch other; and, as far as regards those
rovinces, the conclusion of the Eliot
eaty has added another item to the debt
gratitude which Spain already owes to
e Noble Duke opposite. Great credit
also due to my Noble Friend (Lord
liot), for the tact and skill with which he
gotiated that treaty; and I am bound
say that the overtures of that Noble
ord were met by the Queen's Govern-
ent in the same spirit as that in which
ey were made.

One of the measures for pacifying
pain, which I have heard suggested, was
e marriage of Don Carlos's son with the
ueen of Spain. This scheme involved
e surrender of rights on both sides, and
as utterly hopeless. All who know the
aracter of Don Carlos, and the fana-
al party in whose hands he is, must be
vare that nothing would suit him but to be
solute and uncontrolled King of Spain;
d he would not surrender what he con-
ives to be his own rights, in favour of his
son, any more than in favour of any other individual. Then, as regards the Queen Regent, could she be forgetful of all the obligations she is under to the party who have, hitherto, defended her daughter's throne? And having the example of the attempted marriage between Don Miguel and Donna Maria fresh in her recollection, is it possible that she could resign her daughter to a life of misery — which must be the result of such a scheme as that to which I have alluded? It was a scheme to place on the same throne, antagonist principles, and to maintain the co-existence of two rival parties, who are utterly incapable of settling their differences. It was a scheme for sowing the seeds of eternal discord. I do not regret, my Lords, that the Noble Marquess has brought this subject under your Lordships' notice. Indeed, I think that any man who directs the attention of Parliament to foreign affairs, is entitled to much credit, — because the apathy which exists in this country, with respect to such subjects, is really astonishing. Still, I could have wished that the Noble Marquess had been more correct in his statements, — particularly with respect to Spain. The Noble Marquess, in his last speech respecting Spanish affairs, alluded to me in terms not very flattering; but I admit the right of the Noble Marquess, and of every individual, to criticise the conduct of a public servant. I must, however, be permitted to declare, in answer to the Noble Marquess's remarks, that the greater part of Spain is as tranquil, peaceable, and as submissive to its legal sovereign, now, as ever it was in any period of its history. It is true that the war continues in the Basque provinces, in a portion of Lower Aragon, and in a part of Catalonia,—the whole of which country is a mountainous district, and most difficult of access. The war continues there, and it may continue to drag on for some time longer, rendering the Government feeble, and devastating that part of the country. That peace is not established, there, is owing to the fact, that the Spaniards still war in the manner in which they formerly warred, and which the despatches of the Noble Duke opposite have made universally known. The Noble Marquess, on a previous occasion, cast a most undeserved slur on the Spanish character. He stated that the Spaniards were disgusted with the institutions now established in their country, and which he represented to have been forced on them by a foreign power. My Lords, it is not true that these institutions have been forced on the Spaniards. As a

great error has gone abroad on that subject, it is important that this country should know what are the institutions in Spain, what is the feeling of the Spaniards respecting them, and what our interest is in the success of the policy now upheld in Spain. It is a mistake to suppose that the Spaniards are unfit for, or averse to, freedom. Their municipal institutions afford a most sufficient contradiction to such a notion. Those institutions are the most popular in the world, and existed in Spain while the feudal system prevailed throughout the rest of Europe. My Lords, I have heard much of municipal institutions in England,—and it is certainly my opinion that they form the best school for training men to the enjoyment of liberty. These, then, exist in Spain in their most popular form; and I can assure your Lordships that the Spanish nation is endeavouring to seize the first opportunity of recovering itself, and resuming its place among the other nations of Europe.

But what would be the consequence, supposing it possible for Don Carlos to ascend the throne of Spain? Why, he would do more, in one twelvemonth, to degrade the monarchical principle, and make monarchy abominable, than all the revolutions that might have, meanwhile, taken place; and the Northern powers would then see their error, in having supported a cause which would make good government in Spain impossible. But the Spaniards of the present day have, fortunately, rendered the trial of such a scheme impossible; and England is interested in maintaining the present system in Spain. Let us only compare with this system, the brutal and atrocious system that obtained under Ferdinand, when correspondence between the members of the same family was severely punished; when a communication from a mother to a son, already exiled for his political opinions, was visited with death; and when all the ties of domestic life were broken asunder by the odious practices of a strict *espionage*. This system would be re-established, in all its atrocity, if ever Don Carlos should ascend the throne of Spain. Under the existing Government of that country, however, great good has already resulted. A public opinion has been created; the revenue is more, by one half, than it was, previously; an immense class of proprietors have been called into existence by the sale of national property; capital flows in more regular and useful channels; and education is making rapid strides. At this moment, Spain is laying the foundation for future prosperity as great as that she enjoyed, when, to her misfortune, she discovered America, and lost her own energy. The Noble Marquess asks whether Great Britain gains any commercial advantage by an alliance with Spain? And this is the first time I have ever heard it suggested that this country, in forming alliances, should solely be governed by mere motives of gain. Besides, every commercial arrangement, in order to be permanent, must be based on reciprocal advantages; and if the Spaniards do not yet recognise the benefits of unrestricted commercial intercourse, your Lordships should also bear in mind the existence of your corn laws in England. Let your Lordships also recollect how the Spaniards have already employed their liberty. I have before alluded to the advantage which Spain enjoys, arising out of the creation of a public opinion. The elections there excite the greatest possible interest: all classes of opinions are represented in the Cortes; and the manner in which the Cortes conduct the public business is not unworthy even of your Lordships' consideration. I have attended at the debates in the Cortes, and I never happened to observe more than one deputy address the Assembly at a time.

[Cries of "Hear, hear!" and laughter.]

I have heard prelates in that assembly give utterance to sentiments of Christian charity and religious toleration; I have seen the Government met by a vigorous Opposition,—and I have likewise seen that Opposition, when imminent danger threatened the country, rally round the Government, refusing factiously to embarrass it. I say, then, that Spain understands the true principles of liberty. As to the press in Spain, it is as free and unshackled as in any other part of Europe; and, as connected with this subject, I will advert to a circumstance which I have really observed. In Spain there is a Queen still in her minority,—and the Government is conducted by her mother, as Regent; and I never, but once, remember hearing them spoken of by the press in any other than the most respectful terms. I have heard of only one instance of a foul libel on the Queen; but a jury was not wanting to institute an immediate inquiry, and the author was soon condemned for it to the greatest punishment which the law allows. I do not think the Noble Marquess is justified in saying that the Queen is unpopular, or that her Government has been forced on the Spanish people. It is perfectly

erroneous, too, to say, that we have ever meddled with the political changes that have occurred in Spain; but, at the same time, I do say that the sympathies and good will of England are strongly enlisted in behalf of a nation struggling, as Spain is, to recover her independence. We have very great interest in the consolidation of the Queen of Spain's throne, because that is the only means by which that country can ever be made tranquil; and it is only under such a form of government as will be thereby established, that we shall find in Spain an ally instead of an enemy. Her Majesty's Government have, in my opinion, entertained just views and proper ideas with regard to Spain, and have rendered her important services; for which services, that nation, notwithstanding what the Noble Marquess may think to the contrary, is most thankful. My Lords, I only regret that circumstances have not allowed her Majesty's Government more effectually to render assistance to Spain, in placing her amongst the independent nations of Europe, and that she is not still more indebted to the aid afforded by us. I thank your Lordships, most sincerely, for the attention with which you have heard me; but I am afraid I have but feebly and ineffectually performed the duty which I felt to be imposed on me in speaking of a brave and generous, but a much maligned and misunderstood, people.

VISCOUNT MELBOURNE. — My Lords, after the speech that has been made by my Noble Friend who has just sat down,— who is so much better acquainted with the subject than I am,— and who has been so much engaged in the transactions of that country to which the questions of the Noble Marquess relate; I shall confine myself, exclusively, to answering the questions of the Noble Marquess. At the same time, I must say, that, considering the general nature of the observations of the Noble Marquess, and the very discursive manner in which he had entered into the whole question of Spain, it was extremely natural that my Noble Friend should state his opinion on a subject of so much importance to this country. The Noble Marquess has asked whether, in the opinion of her Majesty's Government, there is any engagement under the treaty of quadruple alliance, which prevents Great Britain from entering into a negotiation with other powers, for the avowed purpose of the pacification of Spain? There certainly is no engagement in the treaty of quadruple alliance, which prevents England from entering into negotiations with other powers for the pacification of Spain. But when the Noble Marquess requires to be informed why communications should have been held with the Northern powers, asking for their assistance in putting down the atrocities committed in Spain, without stating the engagements her Majesty's Government are under by the treaty of quadruple alliance?—I must reply that the principles of the quadruple alliance are perfectly well known to all the powers of Europe; it is already open and manifest to all; it has been laid on the table of both Houses of Parliament; and all the powers of Europe are entirely and completely acquainted with it. At the same time, although there is nothing in it which should prevent her Majesty's Government from concurring with other powers in settling the affairs of Spain, yet the terms of the treaty of quadruple alliance, which have been stated in another place by my Noble Friend the Secretary of State for the Foreign Department, do place us in a different position with respect to Spain from that of other powers; and, having acknowledged the Queen of Spain, it is natural, when we are asked whether we can enter into an alliance of this kind? that we should wish to know what are the general grounds on which we should enter into that negotiation. But I entirely deny that the overtures which have been made by Count Nesselrode to her Majesty's Government, have not been met in the fullest spirit, and with the most anxious desire to embrace the opportunity thus afforded for bringing the unfortunate state of affairs which has so long existed in Spain to a good termination. My Noble Friend alluded to the fact of the conference at Aix-la-Chapelle; and, unquestionably, it is very natural, if not necessary, that the Government should know, before they give their assent to that proposition, what are the precise grounds and means by which it is proposed to bring about the end which we all desire. The Noble Marquess referred to the case of Belgium; but as to the three great powers who conducted the adjustment of that question, it was commenced by three great powers, and terminated by them with the concurrence of the other powers of Europe. The Noble Lord then asked me whether Great Britain and France do not stand, now, in exactly the same situation, as to Spain, in which the three other powers, parties to the arrangement with Belgium, were placed in regard to that state? The meaning of the Noble Marquess's question is,—if Great Britain and France do not stand in the same position

as the other powers in relation to Spain, why were the overtures of the 27th of November made? and whether it is understood that England and France are to monopolise, between them, the affairs of Spain? And to this I can answer, that France and England stand in no different relation as to this question, except in so far as the treaty of quadruple alliance is concerned, — by the provisions of which we have been placed in a different position, with regard to Spain, from that in which the other powers of Europe are placed, who were not parties to that treaty, and who have not recognised her Majesty's Government in Spain.

The next question is, "Do her Majesty's Government intend to forego their efforts for extending the benefit of the Eliot convention to the whole of Spain?" It is not my intention to enter into the question as to the atrocities that have been committed in Spain during this war; but I did hope that, under the last convention between General Maroto and General Cabrera, there would be an entire cessation of them. I am sorry to say that, by accounts which have been recently received, — it seems that, although, with regard to the main armies, that convention has been observed, yet, in other parts of the provinces, where the parties are small, there has been much violence displayed; but I think, after reading the papers to which the Noble Marquess has referred, — after reading the testimony of Colonel Wylde, — it is impossible to doubt with which party these atrocities and cruelties began and were first carried on; — and with whom, in fact, rests, to a great extent, the crime that has been committed. This, however, is a question on which it is unnecessary for me, now, to say anything more; but I earnestly hope that such may be the effect of this arrangement between the commanding officers of both armies, that these atrocities may be put an end to. That the Eliot convention has not been extended to the present period and theatre of the war, the reason is, — that, at the time it was proposed, Don Carlos had no forces in the other parts of Spain. The next question of the Noble Marquess is, "Whether the Government intends to take any decisive measures to induce the Government of Spain to liquidate the claims of the Auxiliary Legion, or to cause its certificates to bear date, and also to carry interest?" Every one knows the great pecuniary debt under which the Spanish Government is now labouring; but I most certainly hope that the engagements undertaken by the commission to has appointed on these claims may be fulfilled, and no exertions on the part of her Majesty's Government shall be wanting to induce the Spanish Government to do justice. The Noble Marquess has made a most violent attack on her Majesty's Government, in introducing this subject, as he, himself, said, without the least expectation of doing any good, but merely for the purpose of showing that there are individuals who think rightly and justly on this subject. Whether these statements are entitled to any weight or influence, it is for others to decide.

The DUKE of WELLINGTON. — On this subject, I am happy to be able to congratulate your Lordships that, at last, you have reason to hope, from the statements contained in these papers, that there will be an end put to this disastrous and disgraceful system of warfare; and I should here close what I have to say to your Lordships on this subject, if transactions to which I have been a party, and my name, had not been referred to; and if, as I think, some erroneous opinions were not entertained, and had been stated, by her Majesty's Government, and by the Noble Earl opposite (who made a most able speech on this question), on certain points to which I think it important to refer. I have frequently stated to your Lordships, in discussing this subject, that that which it is essential that this country should assume, in order to be able to attain the object which, it appears from these papers, has been at last attained, is her real position under the quadruple treaty, and not to continue in the character of a belligerent. My Lords, I have always said, that, if her Majesty's Government had assumed the position in which she really stands under the quadruple treaty, — that of an ally of the Queen of Spain, if your Lordships please, — that of a power which has acknowledged the rights of the Queen of Spain to the throne, if you choose, — that of a power bound by a certain treaty to give specified assistance, and giving that assistance, but, at the same time, doing no more, and being strictly neutral in all matters for carrying on the war, except under the circumstances specified in that treaty; — I do say, now, and I have said so all along, that — her Majesty's Government must have had influence enough to be able to put an end, ere this, to a system of warfare which has so long shocked all mankind. My Lords, the truth and justice of this opinion are founded on a due knowledge of the nature of the war, and of the two powers by whom it is carried on; and if, on the very first suggestion that there should be a strict neu-

trality maintained by other states, between those two powers, her Majesty's Government had made a proposition of that kind to the Austrian Government, that object would have been attained, which still remains to be accomplished; and her Majesty's Government had nothing more to do than to carry into execution all the details of that treaty as early as they could. I say that, when the Government, in 1834, took upon themselves the real position which belonged to them, and when their interference produced what was called the "Eliot Treaty," the operation of that treaty would have continued; and the influence of this Government in the contests between the belligerents in Spain would have continued, in the same beneficial course, had only the same line of policy and conduct been pursued from the commencement. It is impossible, at this period, to say what would have been the consequence with respect to the relations between the two belligerents, at the present moment, of such course of conduct; and I certainly hoped that it might have been attended by the best of all consequences, — the pacification of Spain, and the establishment of government, and the enjoyment of peace and happiness by all the worthy — for I must call them worthy — inhabitants of that country.

My Lords, I now come to another part of the subject, which, in my opinion, has been entirely mistated by the Noble Lord opposite, and also by the Noble Viscount; and which is not understood by her Majesty's Government, — and that is, the situation in which we stand with respect to the great alliances of Europe, in consequence of the quadruple treaty. The Noble Earl says, "Oh, we cannot enter into a treaty with the great alliances, because we are parties to the quadruple treaty." The Noble Earl says so, and the Noble Viscount repeats the idea. That is not the fact; the fact is this, — we cannot enter into a conference with the other three allies, because Great Britain is belligerent; the other three allies not only do not acknowledge the Queen, — I believe they have not formally recognised her, although they may be disposed to do so, — but they are neutral in the contest, and stand in the situation of being parties to the quadruple treaty, and holding a course of strict neutrality as to the contest; whilst England stands in another position, — that of a belligerent. The others, I say, are neutrals, and yet disposed to acknowledge the Queen. Why, my Lords, it is obvious, that, after this, there can be no concert between the parties. I admit that this concert would be impossible, not on account of the quadruple treaty, but of the belligerent position which this Government has thought proper to take under the quadruple treaty. If you had confined yourselves to the quadruple treaty, you might now enter into conferences with the other powers for the pacification of Spain. Such an attempt would not succeed, perhaps, and I hope it never will, on the basis alluded to by the Noble Earl. But there are other means by which a conference might be brought about, or by which our mediation might be used, and which would be infinitely more important than the aid of a few companies of marines. The moral influence of this country might be used with great advantage for the pacification of Spain, — and it would be far more effectual than any you have yet employed. This is the course which I have always contended should be taken. I do not ask you to break any treaty. On the contrary, I think you ought to walk in it, to the very letter, in support of the Queen of Spain; but not to put yourselves in the position of belligerents, — and still less, of belligerents carrying on a petty warfare. I have inculcated this course, over and over again, on her Majesty's Ministers; and the papers now on your Lordships' table demonstrate that I was right, from the beginning. The commands and instructions given to me by his late Majesty, all went to show that this was the course which ought to have been taken; but after all the blood that has been shed in this barbarous warfare, the Government now call a neutral power to aid them in the pacification of that interesting country; and the papers on that table will show you that it is not otherwise in their power to produce those effects so eloquently described by the Noble Earl. I am glad, however, that recourse has at last been had to negotiation; and I hope the Government will now persevere in that course, which is likely to be so beneficial to Spain.

LORD BROUGHAM. — I certainly have heard with great satisfaction the statements made by my Noble Friend the Noble Earl (the Earl of Clarendon); and I concur with him in regretting that so little attention is paid, in this country, to the state of our foreign relations. I trust that my Noble Friend will frequently direct his attention to such subjects as he has, this night, so ably dwelt upon; and that her Majesty's Government will, in future, be more active with regard to our foreign affairs. It is not my intention to enter into any discussion as to the affairs of Spain; but I would say one word on the

subject, before the discussion closes. I have very great doubts, not only of the expediency, but also of the lawfulness, of this country allowing its subjects to engage in the wars engaged in by other countries. I do not say that cases may not arise, in which, without the commands of the civil magistrate, the subjects of one state may take a part in the wars of another, or in a war carried on between other two states; but I think it requires a very strong case to make out a justification of that course. I think that we cannot, without deep regret, or with any feeling of satisfaction, contemplate the number of our countrymen who have been engaged in a contest which, in its progress, has exhibited scenes of horrid murders and assassinations committed on a large scale, not in the heat of battle, but sometimes in cold blood,—after battle, or in cases where no battle has taken place, but where parties have been taken by surprise; and sometimes—and this is the most hideous shape which those murders can assume—under the forms of courts of justice, where all the substance of justice was abandoned. I grieve to state that Englishmen have, I will not say been guilty of those murders, but have continued, afterwards, associated in arms with those very parties by whom they were perpetrated,—nay, that some Englishmen have sat as members of courts for the trial of Englishmen, in cases where the trials were followed by sentence and immediate execution of the parties. I think that such conduct on the part of subjects of another state, having no necessary connection with the parties at war, is unlawful, and is directly at variance with the doctrine of our church. The church says that it is lawful for a Christian man to bear arms; but then the article is given with this qualification—that it should be by command of the civil magistrate. If anything can make war lawful, it is this,—that we are to act on the defensive; and then, only by the command of the civil magistrate. It is therefore still more unlawful to engage in a war carried on between two powers, of neither of which the party aiding is a subject; but the act is yet worse when the aid is given to one of two parties engaged in civil war. I dwell on this topic, because I, on a former occasion, spoke of the force then going from this country to aid the cause of Donna Maria; and on that occasion I wished those parties success in their undertaking. I then spoke in the warmth of debate, and much more was made of my remarks than my expressions warranted. I will not retract those remarks; but I will admit that I, then, spoke without sufficient qualification. If any one could have felt any doubts on the subject of the inexpediency and the unlawfulness of joining or embarking in civil contests such as that now raging in Spain, by parties not subjects of that country, his eyes would be unsealed by the revolting, disgusting, and abominable atrocities which have been perpetrated on both sides.

The MARQUESS of LONDONDERRY.—I wish merely to make one remark, in reply to what has fallen from the Noble Earl (the Earl of Clarendon). The Noble Earl left unnoticed some of the most important parts of the case which I have brought under the consideration of your Lordships. He has talked of the growing prosperity of Spain. If she be so prosperous, I wish that the Noble Earl had exercised his influence to obtain payment of the claims of the officers of the British Legion, and of other claims of subjects of this country, on the Spanish Government. The Noble Earl has mentioned the clemency, too, of the Spanish Government;—what will he say of the execution of Los Santos?

The EARL of CLARENDON.—Los Santos openly opposed the Government in arms, in a week after the death of King Ferdinand. He was taken in arms, tried, and shot as a rebel; and he deserved his fate.

RIGHT OF COUNTY MAGISTRATES TO ACT IN BOROUGH TOWNS.

The DUKE of RICHMOND.—I am desirous of asking a question of the Noble Viscount, or of my Noble and Learned Friend on the woolsack, who will, probably, answer.—I wish to know whether magistrates of counties, in which the new boroughs are situated, have authority to act as magistrates in those boroughs? In the course of a discussion which took place in this House a few evenings back, it was stated by a Noble and Learned Lord (Lord Denman), that magistrates of counties had not any authority to act as magistrates in those new boroughs. Since then a question has been put on the subject, in another place, to the Noble Lord the Secretary of State for the Home Department,—who stated that, in his opinion, county magistrates had jurisdiction in those new boroughs. I certainly concur in the answer given by the Noble

Lord the Home Secretary; but, as a difference of opinion exists on the subject, I think it is of importance that the question should be set at rest. It is of importance to lords lieutenants of counties to know with certainty what the law is, on the matter. For instance, if a county magistrate had been present at the late riots at Birmingham, and if he had declined to act in suppressing the riot or committing prisoners, he would (if he had really authority to act) be liable to prosecution for refusing to interfere; but, on the other hand, he would have been liable to prosecution, if he acted without authority. It is, therefore, I repeat, of the utmost importance that the doubt on the question should be set at rest, and circulars should be issued to the magistracy of the county stating what the law is. I would now, therefore, beg to ask my Noble and Learned Friend on the woolsack, whether he is prepared to answer the question, now? or, if not, whether he will read the Act, and give his opinion on a future evening?

The LORD CHANCELLOR. — I should feel no hesitation in answering the question put to me by my Noble Friend; but, as a difference of opinion exists on the point, I will look over the Act, and will endeavour to obtain the grounds of the opinions held on it.

VISCOUNT MELBOURNE.—I would advise county magistrates not to give any authority to a legal opinion pronounced in Parliament in the course of a debate, — because it is, usually, no authority at all.

LORD ELLENBOROUGH. — The opinion to which my Noble Friend the Noble Duke refers, was not given hastily in the course of debate. It was the deliberate opinion of the Noble and Learned Lord the Chief Justice of the Court of Queen's Bench, and it was supported by that of a Noble and Learned Lord who has filled the office of Lord Chancellor.

VISCOUNT MELBOURNE. — It was given in debate.

LORD ELLENBOROUGH. — It was given in debate; but the object of announcing it was, to put an end to all possible doubt upon the subject.

The DUKE of WELLINGTON. — It appears to me, that the opinion given by the Noble and Learned Lord the Chief Justice of the Queen's Bench, was deliberately given for the information and guidance of another Noble Lord, the lord lieutenant of the county of Warwick.

LORD HOLLAND. — The opinion of any Noble Lord in this House, on a point of law arising in debate, cannot be received as authority, however much it may be entitled to consideration in other respects.

The EARL of DEVON. — The opinion referred to was given deliberately, and was expressed for the guidance of another Noble Lord in the discharge of his public duty.

VISCOUNT MELBOURNE. — I still adhere to what I said,—that opinions given on points of law, in the course of debate, should not be received as conclusive authority; for they are apt to take their character from the tone of the discussion, one way or other. Some of the mistakes which have arisen in Canada, had their origin in erroneous law opinions given in the course of debate. In saying this, however, I have no wish to leave the point unsettled.

The DUKE of RICHMOND. — I concur in the old remark, that "An opinion without a fee is not worth much;" but I do hope that this important question will be set at rest without delay.

POSTAGE.

On presenting petitions for the reduction of the rate of, — of Mechanics' Institute of Pudsey; and of inhabitants of Belper, —

The DUKE of RICHMOND said: — My Lords, I hold in my hand a petition, signed by the mayor and upwards of 12,500 of the merchants of the city of London, and which, I understand, was thus signed in twelve hours. The petitioners state that the present rates of postage are prejudicial to the interests of commerce, and that a penny postage would increase the revenue, and prove a source of great moral benefit. They therefore pray that no assumed temporary deficiency in the revenue may be allowed to delay the introduction of so important a measure. If I had been able to express my opinion on the subject, at an earlier hour in the evening, I should have thought it fit to enter somewhat fully into this question. Some years since, I stated that your Lordships ought to reduce the rates of postage, — that the postage duties were too heavy, and acted as an unequal tax; and if the postage had been

then reduced, the revenue would not have suffered. The country has been since roused to a consideration of the subject; a vast number of petitions have been presented; and I understand that a Bill relating to this matter has been introduced into the other House of Parliament. I do not think there would be any difficulty in working the alteration as proposed; but many persons feel that such a change might cause great loss to the revenue, — and that is the real difficulty in the question. I conclude that, before the Bill on this subject was introduced into the other House of Parliament, it was well considered; and I wish to ask the Noble and Learned Chief Commissioner of Woods and Forests, whether any estimate has been made of what the number of letters is at present, and what it is likely to be after the reduction of the rate of postage? I think that the measure proposed must be passed into a law; it appears to me to be, now, impossible to prevent its passing; but, at the same time, I conceive that such precautions ought to be taken in the Bill before Parliament, as that the revenue should suffer as little as possible. We ought to have a clause in that Bill, to limit the price of the conveyance of the bags. The railroad companies ought not, in my opinion, to be allowed to charge at a greater rate for letters than they charge for the luggage of any passenger. But if those companies are to continue to charge the same as they do now, with four or five times more letters, the price will be much increased, and very heavy. I understand that, at present, the letters by the railroad from London to Birmingham cost more than they did by the ordinary mail coaches. I own that I am much surprised to find that the Lords of the Treasury are to have all the control over the system under the new Bill. Formerly, all the power for managing the Post Office was given to the Postmaster General, with the sanction of the Lords of the Treasury. Now, the Lords of the Treasury have very broad shoulders; and if their measures are not good, you will only be able to abuse them *en masse*, instead of making the Postmaster General responsible. I trust that some regulation will be adopted with regard to letters sent abroad by vessels. If a steamer leave London to-morrow morning, any merchant might put his letters on board without being charged one single farthing. I understand that, not long since, a vessel left Liverpool, which carried eight or ten letters from the Post Office, and many thousands from private individuals. By the proposed measure you are giving a great boon, principally to the manufacturing and commercial interests of the country. Their business leads them to write many more letters than the agricultural interests; and if you are going to give a great boon to them, you have a right to make them (when this uniform rate of postage is established, under which you are to carry a letter 3000 miles for the same rate that you carry it 10 miles) send their ship letters out of the country with the penny stamp; and then, I shall feel that, with such an arrangement, the Post Office revenue might recover, in a very few years, to a great extent. These are principles which I think it desirable to introduce into the Bill; and I shall feel obliged to my Noble Friend the Chief Commissioner of Woods and Forests, if he will give me the information I ask for, that the country may know, really, the grounds on which that Bill is founded.

VISCOUNT DUNCANNON. — The Noble Duke has asked me to state whether, previously to undertaking this measure, her Majesty's Government used their best exertions to ascertain what would be the probable loss to the revenue? I am afraid I cannot give any satisfactory answer to my Noble Friend; because, undoubtedly, the measure must be taken as an experiment. There are strong opinions on one side, and on the other; decided opinions have been expressed, that there will not be the loss in the revenue which is anticipated by many; and I am persuaded, myself, that, with great exertions on the part of those who are to carry the Bill into execution, there will, ultimately, not be any loss. My Noble Friend is aware that the measure to which he alludes, is taken for one year only: it gives, certainly, very great powers to the Lords of the Treasury; but it appears to me that these are necessary, because there are great difficulties to overcome, and certain things which must be provided for out of the Post Office revenue — the dues of the Crown, and many pensions. As to the calculation of the amount of letters at present, and what the amount is likely to be, hereafter, to make up the deficiency that must occur, — the only calculation which I am aware of has been made by the person under whose name the plan goes, — Mr. Rowland Hill, — and his statements have been borne out by the examination that took place before a committee of the House of Commons. As I best recollect, the average amount of the duty on letters, as taken at present, is 6½*d.*; the average amount on Mr. Rowland Hill's plan, if taken at the fullest extent, is 1¼*d.*; consequently, if you consider the present amount of letters trans-

mitted as 80,000,000, the amount of letters to make up the deficiency must be 400,000,000. I believe that that is the calculation which is made; and on that the expectation is founded, which we have, of supplying the resulting *deficit* in the revenue. From all the examinations which have taken place, both before the Post Office Commission, at which I presided, and also before the committee of the House of Commons, I believe I may fairly say that such an amount of letters as I have stated, may be depended upon: but, certainly, even if this is to be insured, there must still be very great exertions on the part of those who are to carry the Act into execution, and such regulations as shall enable them to detect the frauds which are at present practised on the revenue, — particularly those with respect to very large packages of letters sent abroad to the colonies, and which, I believe, are almost to an equal amount sent by stage coaches to different parts of the country. I can only assure my Noble Friend that, whenever the Bill passes, her Majesty's Government will turn their most serious attention to it, and, the best exertions will be made to endeavour to carry the Act into effect, so as to give the greatest advantage to the public, and with the least loss to the revenue. It is, certainly, unfortunate that something was not done, when the Railroad Bills were before the House, to provide proper regulations with respect to these matters. With respect to the large additional amount of carriage for bags, to which my Noble Friend has alluded, — the carriage from London to Liverpool and Dublin formerly amounted to 9000*l.*, whereas it is stated now to amount to 33,000*l.* or 34,000*l.*; but there are, now, two distinct posts to Dublin, and also almost the whole of the correspondence between London and Edinburgh goes by railroad; therefore the expense of the communication is pretty much the same, and the advantages to the public are very great. With respect to the colonial letters, it is intended, certainly, by her Majesty's Government, to endeavour to make some arrangements with respect to them; and I understand they will be relieved from the heavy inland tax, which, on double letters, amounts at present to a considerable sum. In conclusion, I never recollect so strong a wish having been expressed to both Houses of Parliament, on any measure, as has been expressed on the subject of postage; and, her Majesty's Government having acceded to that wish, I agree with my Noble Friend that they have a right to call upon those to whom they give the boon, to assist them in preventing frauds on the revenue.

LORD ASHBURTON. — As the Bill referred to is not yet before your Lordships, it is not my intention to detain you long. With respect to railway communication, the great advantage to be derived from it is, rapidity; but, if no arrangement be made with the railroad companies, by which they shall be bound to convey letters at a low charge, the country will be at the mercy, in this respect, of those companies. When the Bill comes up, I shall be prepared to call the attention of your Lordships to the general state of the finances of the country; but I will not trouble your Lordships on that subject at present. I think, when the condition of the revenue is what the Returns show it to be, it becomes us to state whether the Parliament ought to consent to this risk of 1,500,000*l.* of income. But, in reference to the deficiency in the revenue, I wish to ask one question. The expense of the army, last year, was 7,200,000*l.*; in that there was a considerable increase over the expenses of the preceding year, on account of Canada; but the estimate for the current year is only 6,500,000*l.* Now, the army is as large this year as last; and, if the fact be so, I apprehend that there ——

VISCOUNT MELBOURNE. — The former year included several arrears for the preceding years, which swelled the estimate for that year. This year, there are entirely excluded from the estimate the whole of the extraordinary expenses for Canada, for which a separate vote is to be taken.

LORD ASHBURTON. — Does the Noble Viscount mean that the establishment, or charge of the army, was not voted and presented to the House under the head of "Army;" because, under that head, the charge for the army is reduced very considerably from what it was last year? It is to me unintelligible how the Treasury could make a Return of this description. The increased Canada expenses must come under the head of Army Extraordinaries.

VISCOUNT MELBOURNE. — There is to be a separate estimate for the army.

The DUKE of RICHMOND. — Will my Noble Friend the Chief Commissioner of Woods and Forests have the goodness to inform me whether he has yet received, from the Postmaster General, an account of what will be the increase of the expenditure in the Post Office establishment? It is stated, that the increase of

letters will be productive of economy in the Post Office department; I think it will cause an increase of expenditure; and I want to know if the Noble Viscount has heard what will be the increase of the Post Office establishment in consequence?

VISCOUNT DUNCANNON. — The Post Office department state the probable loss to the revenue at 300,000*l.* at the least; and Mr. Rowland Hill has not anticipated any great saving in that department from the adoption of his plan. With respect to the railway companies, it is only fair to say that, in the arrangements they have made, they have acceded to all the requests of the Post Office; and have gone so far as to appoint separate vehicles, in which the letters are sorted, — and to give up a whole train to that object, every day, without carrying passengers.

Read, and ordered to lie on the table.

LOWER CANADA.

The MARQUESS of NORMANBY. — In consequence of the understanding entered into, the other night, that we should take the discussion of the Lower Canada Government Bill on going into committee, I rise to move the second reading merely *pro formâ*.

The DUKE of WELLINGTON. — There can be no doubt that some arrangement of the affairs of the government of Lower Canada must be immediately made; and, as I suppose that this Bill contains that arrangement, I shall not oppose the second reading, with the understanding mentioned by the Noble Marquess.

The EARL of RADNOR. — I wish to state, on the part of a Noble Friend of mine, who is now absent (the Earl of Durham), and who is anxious to be present on the discussion of this Bill, that the reason why he is not in his place, this night, is, because he understood that the debate was not, now, to be entered upon.

The Bill was then read a second time, and committed to a committee of the whole House on Friday next; and the Lords summoned.

TIMBER SHIPS BILL.

LORD ELLENBOROUGH. — I hope I may be allowed to move the second reading of the Timber Ships Bill, which is to come into operation in North America on the 1st of September next; for, as this is the 23d of July, no time ought to be lost. This measure is intended to prevent the loading of timber on the decks of ships, from the 1st of September to the 1st of May. A committee of the other House of Parliament has been appointed to inquire into the causes of the frequent shipwrecks of timber ships; and in their Report they state that, in 1834, there were 4 timber ships from America driven on shore, and 17 lost at sea; in 1835, there were 15 ships wrecked on shore, and 34 at sea; in 1836, there were 27 wrecked on shore, and 44 at sea; in 1837, there were 7 wrecked on shore, and 25 at sea; and in 1838, there were 18 wrecked on shore, and 48 at sea. But the most sad part of the affair is, that no account has ever been received of many of these ships. In 1834, there was no account of 6; in 1835, no account of 17; in 1836, no account of 18; in 1837, no account of 19; and in 1838, no account of 27. It does not appear that these vessels were of an inferior description; many of them were of the very first class, called A 1.; and these frequent accidents are not to be attributed, I believe, to any other circumstances than to the lading of a great portion of timber on the decks of the vessels, which consequently rendered them top-heavy.

The Bill was then read a second time, and committed to a committee of the whole House on Thursday next.

TITHES COMMUTATION ACTS AMENDMENT BILL.

Order of the Day for the third reading, and the Lords summoned, read: Bill read a third time accordingly; verbal amendments made; Bill passed, and sent to the Commons.

SHERIFFS' EXEMPTION BILL.

The MARQUESS of LANSDOWNE. — I beg leave to move that the Sheriffs' Exemption Bill — the object of which is to exempt militia officers named for sheriffs, from serving, by empowering the appointment of one of the other two persons pricked for the year — be read a second time.

The DUKE of RICHMOND. — I certainly think that those who entered the militia after the year 1816, when they were disembodied, should not be exempted from serving the office of high sheriff; but I hope my Noble Friend will not object to introduce a clause to save the

right of exemption to those who were in actual service before that period.

The MARQUESS of LANSDOWNE. — I have no objection to introduce a clause to that effect.

The Bill was then read a second time, and committed to a committee of the whole House on Thursday next.

ASSESSED TAXES COMPOSITION BILL.

Read a second time, and committed to a committee of the whole House on Thursday next.

PRISONS BILL.

The Order of the Day for receiving the Report of the amendments made in this Bill, and the Lords summoned, having been read, —

The DUKE of RICHMOND said: — I beg to give notice, that, on the third reading, I shall move the adoption of a clause to remove a difficulty which has occurred respecting the introduction of books on religious subjects into prisons. My clause, which meets the views of the Right Reverend Bench, will vest the superintendence of the books and printed papers to be introduced into prisons, in the visiting justices, with the exception of those intended for the use of members of the establishment, which will be confided to the chaplain to select. I shall also propose another clause, empowering the appointment of chaplains in borough gaols, — many of which are at present without chaplains.

The amendments were then reported.

REGISTRY OF BIRTHS.

The BISHOP of LONDON. — Seeing an Order of this evening — (which, however, no Noble Lord has moved) — for the second reading of the Registers of Births, &c. Bill, — I wish to state, that I have strong objections to the measure; and I hope, therefore, that, before any Noble Lord moves the second reading, he will give notice.

PRISONERS' TRIAL BILL.

The Order of the Day for the second reading of this Bill, and the Lords be summoned, having been read, —

The EARL of CHICHESTER said: — The object of this measure is to accelerate the trials of prisoners in certain cases. I will not now enter into the details of its provisions, as these will be fully considered in committee.

The LORD CHANCELLOR.—I doubt whether, at this period of the Session, your Lordships have time to consider the classification of offences proposed in this measure. The absence of the judges will, I fear, interpose obstacles in the way of consulting them on the subject.

The DUKE of RICHMOND. — I would recommend your Lordships to introduce into the Bill a clause to remove an inconvenience which has arisen under the Central Criminal Court Act. By that Act, prisoners may be tried in the Central Criminal Court for offences committed in parts of Kent and Surrey. Some time back, a man was committed at Woolwich, and was afterwards convicted, at that court, of an atrocious murder. Instead of being sent back to Woolwich to be executed, where he might have been visited by the chaplain under whose care he was placed on his committal, he was conveyed to Maidstone, and executed there. I think that the man's chance of repentance was much diminished by this change. The man died a hardened villain; though it is true he might still have died so, if sent to Woolwich. Individuals, however, should not be taken to a distance to be executed: their sentences ought to be carried into effect on the spot.

The Bill was then read a second time, and committed to a committee of the whole House on Friday next; and the Lords summoned.

BILLS OF EXCHANGE (No. 2.)] BILL.

Returned from the Commons, with the amendment agreed to.

LIVERPOOL BUILDINGS ACT AMENDMENT BILL.

Returned from the Commons, with the amendments agreed to.

PRIVATE BILLS.

The MARQUESS of SALISBURY moved the following resolutions: — "That in all cases where any Bill, included in the first and second class of Bills described in the

Standing Orders of this House, shall pass a second reading, the promoters of such Bill shall, before the same is taken into consideration in committee, give security to the clerk of the Parliaments, by recognizance, to be entered into to her Majesty, in the penalty of 400*l.*, conditioned to pay such costs as may be ordered by the House, upon the Report of the committee, to such person or persons as shall have petitioned against the said Bill, or any of the provisions thereof, and shall have appeared in support of such of the said petitions as shall have been referred to the said committee:"

2d. "That no petition against any Bill, included in the first and second classes of Bills described in the Standing Orders of this House, or any provision thereof, shall be taken into consideration by the committee on the said Bill to which such petition shall be referred, before such petitioners, or some person on their behalf, by leave of the House, shall have entered into security to the clerk of the parliaments by recognizance to her Majesty, in the penalty of 400*l.*, conditioned for the payment of such costs as shall be ordered by the House, upon the Reports of the said committee, to be paid such person or persons as shall be entitled to receive the same under such order, unless the committee shall think fit to dispense with such recognizance on the part of such petitioner:"

3d. "That the committee to which any Bill, included in the two first classes of Bills described in the Standing Orders, and to which committee any petition against the said Bill, or any of the provisions thereof, shall have been referred, shall take into their consideration the question of costs as between the promoters of the said Bill and the said petitioners, and shall report thereupon to the House, in addition to other matters referred to them; and if the House shall agree to such Report with respect to costs, the party or parties against whom such costs shall be awarded, shall pay the same, according to the order of the House."

Ordered, That the same be taken into consideration on Friday next, in order to be made Standing Orders; and that the Lords be summoned.

PRESBYTERIANS.

Petition praying that provision may be made for the instruction of soldiers of the Presbyterian religion in the tenets of their peculiar faith, — of the presbytery of Connor in connection with the Synod of Ulster. — Read, and ordered to lie on the table.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Third reading (which stood appointed for this day), put off to Thursday next; and the Lords summoned.

ELECTION PETITIONS TRIAL BILL.

Committee (which stood appointed for this day) put off to Friday next; and the Lords summoned.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Petition of Andrew Cowan, seneschal of the manor of Hollywood, in the county of Down, praying for compensation in the event of the Bill passing into a law: And, also, a petition of the magistrates and councillors of the Royal burgh of Dumbarton, in council assembled, in favour of the Bill. — Read, and ordered to lie on the table.

PAPERS.

Copy of despatches or extracts of despatches from the Colonial Secretary and Sir G. Arthur, relative to the clergy reserves in Upper Canada. — Delivered (pursuant to Address of Thursday last), and to be printed.

Statement of the number of causes of correction of clerks heard and determined in the Consistorial Court of Chester, from the 1st of January, 1839, to the present time; showing the sentences therein pronounced, and whether appealed from: And, also, a similar statement from the Chancery Court of York, together with a statement of the number of such causes appealed to the said court, within the same time (delivered yesterday). — To be printed.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Bury (Lancaster) Small Debts (No. 2.) Bill. — Leave to committee to sit and proceed, and to report to-morrow.

Belfast Water (No. 1.) Bill. — Report, that the parties appearing on behalf of the charitable society, petitioners against the said Bill, had stated that James Boyle, Esquire, an officer of engineers, now employed in the Ordnance Survey of Ireland, was an important witness to their case; and that it appeared, from a letter received from him, that the instructions issued to those employed on the Ordnance Survey of Ireland quite preclude the possibility of their communicating, for the benefit of individuals, any information which they may have collected in connection with their duty; the committee therefore resolved to report these circumstances to the House, and to request that they will take such steps as they shall deem fit, to enable the committee to obtain the evidence stated to be necessary.

Ordered, That James Boyle, Esquire, do attend this House to-morrow.

PUBLIC BUSINESS.

WARWICK GAOL.

Copy presented, — of rules and regulations adopted in the gaol of Warwick (ordered the 19th of July). — To lie on the table.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Maynooth College, — By LORD VISCOUNT MAIDSTONE and SIR C. KNIGHTLEY, against any further grant, — from Halifax; and Northampton.

Factories Bill, — By Mr. STRUTT, — two petitions, from Derby, against.

Postage, — By the ATTORNEY GENERAL, for a low and uniform rate, — from Laurencekirk; and Edinburgh (chairman).

By SIR T. COCHRANE and Mr. A. WHITE, against the use of stamped paper or envelops, — from Ipswich; and Sunderland.

Church Patronage (Scotland), — From Thurso, for alteration of the law.

Collection of Rates Bill, — By Mr. T. DUNCOMBE, against, — from Barwick in Elmet union; Newton Kyme; Alwoodley; Long Marston; Purston Jaglin; Acaster; Featherstone; Ackton; Catterton; Pontefract Park; Normanton; Hutton Wansley; Walton; Kirk Deighton; Steeton; Cattall; Whitwood; Askam Bryan; Shadwell; Wilstrop; Tockwith; Wigton; Seacroft; Bilbrough; Ryther cum Ozendyke; East Keswick; Bilton; Appleton Roebuck; Barwick in Elmet; Thornville; Wike; Ferry Frystone; Sutton; Bolton Percy; Kirby Wharfe; Bramham; and Clifford with Boston.

Poor Law Amendment Act, — By Mr. T. DUNCOMBE, — of William Taylor, alleging certain acts of cruelty to have been practised towards him by the chairman of the board of guardians of the Camberwell union, and praying for redress.

Court of Chancery, — By the ATTORNEY GENERAL, — of John Raxworthy, complaining of the high rate of fees charged on the prosecution of a suit therein.

Birmingham Riots, — By the ATTORNEY GENERAL, — of the chairman of a meeting of inhabitants of Edinburgh, for inquiry into the cause thereof.

Registration of Electors (Scotland) Bill, — By the ATTORNEY GENERAL, — of the Royal burghs of Scotland, in convention assembled, for alteration.

Sale of Beer Act, — By LORD G. SOMERSET, — from Newport union (Monmouth), for repeal.

Bank of Ireland Charter, — By Mr. REDINGTON, — from Dundalk, against renewal.

Queen's Printer (Scotland), — From Strathaven, against renewal of the patent.

Stage Coach, &c. Duties, — By LORD A. LENNOX, — from Chichester, for repeal.

Poor Law Unions (Gilbert's Act), — From Boroughbridge, against repeal.

Excise Licences (Sale of Spirits) Bill, — Of Charles Hibble, against.

On presenting this petition, —

LORD VISCOUNT SANDON said: — I move, Sir, that this petition be printed; and I give notice of my intention to move, before the Bill goes into committee, that the petitioner be heard at the bar of the House.

Ordered to be printed.

RETURN.

Herring Fishery. — On the motion of Mr. MACAULAY, Return ordered —

Of all sums of public money paid, during the last ten years, to the British White Herring Fishery Board; distinguishing all salaries and other allowances paid to the said board and its officers.

POOR LAWS.

Mr. YORKE. — I beg to ask the Noble Lord whether he has any objections to the appointment of a committee, of which I have given notice, to inquire into the truth of the allegations contained in the petition presented on the 17th instant, by the Honourable Member for Oldham, complaining of the conduct of the Earl of Hardwicke and the guardians of the poor of the Caxton and Arrington union?

LORD JOHN RUSSELL. — I am not disposed to resist the appointment of a committee to inquire into the subject, except on the ground that I do not consider it advantageous to proceed with it at this period of the Session, — looking at the probable limited attendance which Honourable Members would give to a select committee. If, after denying the statements contained in the petition, any Honourable Member should think it necessary to institute further inquiry, the Honourable Member for Cambridge can then move for the committee.

Mr. YORKE. — My only object, in moving for this committee, is, to afford myself an opportunity of publicly denying the allegations contained in that petition; and if any Honourable Member shall express any doubt with reference to the subject, I shall, in that case, persist in pressing the motion of which I have given notice.

CONCURRENT JURISDICTION OF COUNTY MAGISTRATES.

Mr. HUME. — Seeing the Honourable and Learned Gentleman the Attorney General in his place, I beg to ask if he is prepared to state to the House, whether, in his opinion, county magistrates have concurrent jurisdiction in the borough of Birmingham?

The ATTORNEY GENERAL. — I regret that the opinion of the Lord Chief Justice of the Queen's Bench, in reference to the concurrent jurisdiction of county magistrates in boroughs where quarter sessions are held, is different from that which I, myself, entertain. I should have felt very glad, had that opinion been acquiesced in, and taken for law; but, being appealed to, I feel bound to say that the Noble and Learned Lord appears to me to be mistaken in that opinion, and that I think his attention has not been sufficiently directed to the enactments on this subject. To me, it appears matter beyond doubt that the magistrates of the county of Warwick possess a jurisdiction in the new borough of Birmingham, from which they cannot be ousted, unless by a *ne intromittas* clause in the charter of incorporation, or a clause to the same effect in an Act of Parliament. Now, in the charter by which Birmingham was incorporated, there is no *ne intromittas* clause whatever. The justices of Warwickshire possessed this jurisdiction before the Act of Incorporation; and I am not aware that anything has since occurred to deprive them of it. In the charter conceded by the Crown there is nothing, and in the Municipal Corporation Act there is nothing, which can at all affect the question, except the 111th section. The first part of that section enlarges the jurisdiction of county magistrates. The second part takes it away only with regard to those boroughs where they possessed no jurisdiction before the passing of the Act; and enacts, that the county magistrates shall not have this jurisdiction now, any more than they possessed it before. As to the borough of Birmingham, it is quite clear that, before the passing of the Municipal Bill,

the justices of Warwickshire had jurisdiction over the whole of their district, including the borough; and there is nothing whatever to take it away, either in the charter or in the Act of Parliament.

BIRMINGHAM POLICE (ADVANCE OF MONEY).

Motion made by LORD JOHN RUSSELL, and question put, "That the Order of the Day for the committee thereupon be now read."

Mr. LEADER. — I object to this proceeding on the part of the Noble Lord, as irregular. I can see no pressing necessity for departing from the usage, and permitting this Order to take precedence of the notices of motion. Hurrying on the question with such extreme rapidity is only calculated to increase the alarm which already prevails.

LORD J. RUSSELL. — I thought the House had so generally concurred in the proposition which I yesterday submitted, that it would be unnecessary for me to enter into the grounds upon which I deem it necessary to ask leave of the House to take this Order of the Day before the notices of motion. It is sufficiently evident, that if I am obliged to wait with a motion of this consequence until the whole of the motions on the paper be disposed of, it cannot be brought on; or, my bringing it on at a late hour would be, most probably, objected to by the Honourable Member himself. It is unnecessary for me, now, to enter into any details as to the late lamentable occurrences at Birmingham. It is generally believed that there is, for the time being, sufficient security, in the number of troops, there, in the assistance of the police force from London, and in the armed yeomanry. But it is quite clear that it is by no means desirable that the permanent preservation of the peace of that town should rest entirely on this extraordinary array of force. Such a state of things must necessarily tend to produce a disturbed state of feeling at Birmingham, and must be exceedingly harassing to the civil and military forces so employed.

Mr. LEADER. — I rise to order.

LORD J. RUSSELL. — I am merely assigning my reasons for taking the course of which the Honourable Member complains. The magistrates of Birmingham, in consequence of what I have just stated, have come to the opinion, that, unless some means be adopted by which they can have the aid of a permanent police force at Birmingham, the peace of the borough cannot be permanently secured. I did not think that, under these circumstances, the House would object to proceed with this Order of the Day. The means which I propose to adopt are such as will enable the inhabitants of Birmingham to constitute and organise a local police force.

SIR E. WILMOT. — I do not, for one moment, question the importance of the motion which the Noble Lord proposes to introduce. There is a motion, however, on the paper, which I look upon as quite as important, connected as it is with Birmingham, and with the conduct of the Warwickshire magistrates. A charge has been preferred against those gentlemen, which they desire to have investigated; and until that charge be disposed of, it is evident that a great part of their efficiency must be paralysed. I trust that the Noble Lord will, at least, bring on this important motion next after the Order of the Day.

On the question being put, "That the Order of the Day be now read," —

Mr. HUME said: — I wish to know, Sir, why the corporation cannot raise the money on their own security, without applying to the Government? I do not object to the establishment of a proper police in Birmingham. I think, on the contrary, that every town should maintain an efficient force of that description; but I also think each town should maintain its own police; and if the magistrates of Birmingham cannot at present levy a rate, they can have no difficulty in borrowing the money, as other corporations have done, on the security of rates.

LORD J. RUSSELL. — I am afraid the magistrates cannot legally borrow money on the security of a rate to be afterwards imposed. At all events, I do not think that it would be judicious to raise a delicate question like this at Birmingham, in the present state of that town. A question has been raised at Manchester, with regard to the validity of their charter. The town council have made an order for the payment, by the churchwardens and overseers, of the sum of 11,000*l.*, by a borough rate, for the establishment of a police force. The churchwardens and overseers refused, — saying that there was a question about to be brought into a court of law to try the validity of the charter of Man-

chester. In the present excited state of Birmingham, it is exceedingly probable that a similar question would be raised there. I quite agree that, in the ordinary course, it would not be advisable to interfere with the functions of the corporation; but the Honourable Member will see that this is an extraordinary state of things.

CAPTAIN PECHELL. — I have a motion which has, now, been on the paper for five successive Tuesdays; and I am as much disposed to be jealous of my motion being kept back as any Honourable Member can be. But I will not, after what has fallen from the Noble Lord, stand upon my privilege.

Mr. WAKLEY. — I do not exactly understand what the Noble Lord's proposition is. But be it what it may, I do not think that the Noble Lord has made out any case for pre-audience. Tuesday is the only day upon which Honourable Members can bring forward their motions. The Noble Lord might very well wait until ten or eleven o'clock, by which time these motions will be disposed of in their regular order. Of what use is the Birmingham charter, if the corporation be unable to control the peace of their own town? If this order be proceeded with now, the discussion upon it will, probably, be concluded at seven o'clock, when the House will most certainly be counted out. Will the Noble Lord direct all the members of the Government to remain in their places after this Order is disposed of?

Mr. WARBURTON. — As there has already been an attempt to count out the House, Honourable Members who have notices on the paper ought to enter into a compromise with the Noble Lord. Let them agree to the proposition of the Noble Lord, on condition that he will agree to remain, and keep his friends in the House all the evening. If such an understanding be come to, there can be no objection to the proposition of the Noble Lord.

Mr. SCHOLEFIELD. — I hope the House will agree to the motion of the Noble Lord, for it is very important that no time should be lost in this matter. It is said that the people of Birmingham object strongly to the presence of the London police. The best way in which they can be got rid of is, to enable the magistrates of Birmingham to raise a police force for themselves.

Mr. O'CONNELL. — I really think there should be an exception in the present case, considering that houses are burning, — that shops are being plundered. It is the more necessary to do something immediately, because I do not think we can spare you from Ireland more than the 5000 troops already dispensed with in that part of the kingdom.

[Laughter.]

Mr. EWART. — Though my name stands first on the notice paper, I think the proposition of the Noble Lord is so reasonable, that I will at once give way; but I trust the Noble Lord will agree to act upon the suggestion of the Honourable Member for Bridport.

Mr. T. DUNCOMBE. — I think it is desirable to adhere to the old constitutional practice of declining to grant money until grievances are redressed. The allegations in the petition of the two prisoners confined in Warwick gaol, connected with which there is a notice on the paper for this evening, are of such a nature, that, if there be a particle of truth in them, they must entail eternal disgrace upon the Warwickshire magistrates. Why should the Noble Lord's motion have precedence of that? If the money, as proposed by the Noble Lord, be granted to Birmingham, there never will be one farthing of it returned; it will be like the 1,000,000*l.* which was given to the Irish parsons. I will tell the House that no police force can pacify Birmingham, so long as the just grounds of complaint of the people remain unremoved. Twice during this Session have I called the attention of the House to their demand for an extension of the suffrage; but in vain. Again: how has the House acted upon the motion of the Honourable Member for Birmingham, for a committee of the whole House to inquire into the grievances complained of in a petition signed by 1,200,000 individuals? Why, only 48 Members voted for taking that petition into consideration. Can the House believe that 5000 additional men will remove the causes of the riots at Birmingham? I believe the country is in an extremely dangerous state, and that great discontent prevails; and I apprehend that the motion of the Noble Lord will only augment the evils which it seeks to remedy, and will spread consternation and dismay throughout the country. There are two most important motions upon the paper, to which it is now proposed to give the go-by, for the purpose of bringing forward a motion for an advance of 10,000*l.* to the corporation of

Birmingham, to keep the town quiet. It is not difficult to foresee what will happen, if the Noble Lord succeed in obtaining priority for his motion. As soon as the discussion upon it is over, Honourable Members will immediately go to dinner, and leave the people to starve in their distress.

Mr. FRENCH. — I think the best way to arrive at the discussion of the several motions on the paper, would be, not to waste any more time in opposing the precedency of the Noble Lord's motion.

SIR H. HARDINGE. — I wish to know when the Noble Lord intends to move for the supplemental vote of 5000 men?

LORD JOHN RUSSELL. — I cannot exactly say; probably on Monday next.

Mr. D'ISRAELI. — Before the House proceeds to devise a remedy for an evil, I think it would be as well to inquire — from what cause the evil arises? Perhaps it could be traced to the existence of a very weak Government. It would be much more satisfactory, if, instead of bringing forward these isolated debates, the Noble Lord would take an opportunity of stating all his projects for the removal of the great evils which exist among us. If there be so immediate an urgency for a sum of money to establish a police force in Birmingham, perhaps the Members for that town would come forward and advance it.

[Laughter.]

Mr. EASTHOPE. — I agree with my Honourable Friend the Member for Finsbury, that there is considerable danger in the present state of the country. But if my Honourable Friend feels that, he must likewise feel that the first duty of Parliament is to do that which shall be best adapted to secure public tranquillity. There may be much in what my Honourable Friend has said as to the causes of the discontent that does exist; but it is the duty of every Member of the House, and of every reflecting member of society, first, to secure tranquillity, and then to inquire into the causes by which that tranquillity has been disturbed. I hope the House will not trifle with the question, but will exhibit to the country a determination to omit nothing which can be effective in maintaining the public peace. I shall, therefore, most cordially support the Noble Lord in his motion, that this subject should take precedence of every other.

Mr. LEADER. — I really believe that the amount of danger is very much exaggerated; and that the hasty manner in which it is now proposed to deal with the subject will tend to increase the danger, and add to the excitement, such as they are, which already exist. It is only a question of a few hours; the Noble Lord has it in his power to keep together a House, while those who have motions on the paper cannot do so. Besides, two of the motions relate to grievances, and ought to be taken into consideration before money is voted.

LORD J. RUSSELL. — I feel it necessary to explain, because what has fallen from the Honourable Member who has just sat down may otherwise lead to a false impression. I have merely moved that the Order of the Day should take precedence of the notices of motion. When the subject of the petition was brought forward, to which allusion has already been made, I might have objected to its being taken out of its usual course, and have said it ought to come regularly before the House, or be brought forward upon the House going into a Committee of Supply. I made no such objection; but, considering that the petition proceeded from 1,200,000 persons, I proposed at once that it should have precedence. No attempt was made to hush up the petition; it was, on the contrary, discussed in the most deliberate manner. I have not, therefore, precluded myself from asking the House, on this occasion, to depart from the more ordinary course of business, by the manner in which I acted with reference to that petition.

SIR R. PEEL. — I feel it my duty to support the Noble Lord in bringing forward this subject before any other. I must say that, after what has lately occurred, — after having had a great manufacturing town in possession of a mob for nearly an hour and a half — houses set on fire, furniture brought into the streets and burned, other houses pillaged, and things in such a state of anarchy, — I must say that there is sufficient reason for our acceding at once to any proposition for maintaining the public tranquillity. I trust that, on similar occasions, if they should occur again, there will be no danger of a like course being followed, but that the circumstances which have recently taken place at Birmingham will be sufficient to prevent any improper use of the power that may now be given. I think advantage should be taken of the earliest opportunity for providing a civil force for Birmingham, and for removing from that

town the portion of the metropolitan police force which has been sent down there. It may have been, under the peculiar circumstances of the case, absolutely necessary to send down a detachment of the metropolitan police force to preserve the public tranquillity; but the sooner they can be removed, consistently with a firm determination to supply their place by some other force, the better for the tranquillity of the town. I do not dispute the necessity which may have existed for sending this force down; but, certainly, a civil force belonging to the district could resort to acts of extreme rigour with less likelihood of exciting bad feelings than a body of men perfectly unknown, and perfectly unacquainted with the locality and the people among whom they were to act. I consider the present case, therefore, one of such a nature as to exempt Parliament from the necessity of showing a rigid adherence to those rules which are proper to be observed on ordinary occasions. The necessity which gave rise to the irregularity will prevent it from being drawn into an improper precedent, and Parliament will perform a duty most imperative and urgent, in taking effectual measures for the maintenance of the public tranquillity.

Mr. JOHN FIELDEN. — Both sides of the House seem to be agreed that it is their duty to provide for the security of the public peace. But the question is, what are the best means to attain that end? I dissent *in toto* from the proposition of the Noble Lord, — for I think that the best mode of conciliating the people is, to endeavour to redress their grievances. According to all the accounts I have seen respecting the London police in Birmingham, there is a strong feeling in that town that the introduction of that force was the cause of the riots. If the House now vote money for creating more police, they will be only adding to the excitement which already prevails in Birmingham. The House ought to redress the sufferings of which the people complain, instead of providing a force to put down their complaints, — which, most assuredly, never can be put down by such means. I trust the Honourable Member for Westminster will take the sense of the House on the question. If Reformers will back applications to put down the complaints of the people, who are starving for want of food, then, I must say, that the present will be worse than any boroughmongering Parliament.

SIR C. BURRELL. — I do not think there is any ground for supposing that the riots in question arose from the presence of the police; for riots have taken place at Newcastle, where there has been no metropolitan police. Riotously disposed persons, of course, dislike the appearance of any force designed to preserve the peace. I much more attribute these disturbances to the inflammatory speeches which have been made by various parties throughout the country. As to the people being in a starving condition, I have never found the industrious without the means of getting their bread in this country. I believe the country was never in a more flourishing condition than now, — if the people would only let well alone.

Mr. M. PHILIPS. — I am not one of those who believe that these riots were the immediate result of distress; but I consider that the House will be deserting its duty to the general welfare of the nation, and to those industrious classes whose interests are jeopardised, if the proposition of the Noble Lord be not agreed to.

Nero fiddled while Rome was burning.

[Laughter.]

an example which, I trust, the House is not disposed to imitate on this occasion.

House divided: — Ayes 144; Noes 3; — Majority 141.

AYES.

Ainsworth, P.	Crawford, W.
Baines, E.	Darby, G.
Baker, E.	Darlington, Earl of
Baring, F. T.	Denison, W. J.
Barnard, E. G.	De Horsey, S. H.
Blackburne, I.	Dottin, A. R.
Blair, J.	Douglas, Sir C. E.
Blake, W. J.	Easthope, J.
Blennerhassett, A.	Eastnor, Lord Visct.
Bowes, J.	Egerton, W. T.
Bramston, T. W.	Elliot, Lord
Bridgeman, H.	Elliot, Hon. J. E.
Briscoe, J. I.	Ellis, J.
Broadwood, H.	Estcourt, T. (Oxf. U.)
Brodie, W. B.	Evans, G.
Brotherton, J.	Evans, W.
Brownrigg, S.	Ewart, W.
Bryan, G.	Ferguson, Sir R. A.
Buller, C.	Filmer, Sir E.
Buller, Sir J. Y.	Fitzroy, Lord C.
Burdett, Sir F.	Fremantle, Sir T.
Burrell, Sir C.	French, F.
Callaghan, D.	Freshfield, J. W.
Campbell, Sir J.	Gaskell, J. M.
Cayley, E. S.	Gillon, W. D.
Chetwynd, Major	Gordon, Hon. Captain
Chichester, J. P. B.	Goulburn, Rt. Hon. H.
Cochrane, Sir T. J.	Grimsditch, T.
Collins, W.	Hardinge, Rt. Hn. Sir H.
Cooper, E. J.	
Craig, W. G.	Hastie, A.

Hawes, B.	Phillpotts, J.
Hector, C. J.	Plumptre, J. P.
Herries, Rt. Hn. J. C.	Price, Sir R.
Hill, Lord A. M. C.	Rice, Right Hon. T. S.
Hinde, J. H.	Rolfe, Sir R. M.
Hobhouse, Right Hon. Sir J.	Russell, Lord J.
	Rutherfurd, Rt. Hn. A.
Hodgson, F.	Salwey, Colonel
Holmes, W.	Sanford, E. A.
Hope, Hon. C.	Scholefield, J.
Hope, H. T.	Seymour, Lord
Hoskins, K.	Sheil, R. L.
Hotham, Lord	Sheppard, T.
Houstoun, G.	Somerset, Lord G.
Howard, F. J.	Stanley, Hon. W. O.
Howick, Lord Visct.	Steuart, R.
Hume, J.	Stock, Dr.
Inglis, Sir R. H.	Strutt, E.
Irton, S.	Style, Sir C.
Irving, J.	Surrey, Earl of
Kinnaird, Hon. A. F.	Teignmouth, Lord
Labouchere, Rt. Hn. H.	Thomson, Rt. Hn. C. P.
Langdale, Hon. C.	Thornely, T.
Langton, W. G.	Troubridge, Sir E. T.
Liddell, Hon. H. T.	Turner, E.
Lincoln, Earl of	Turner, W.
Lowther, J. H.	Vere, Sir C. B.
Lushington, C.	Vigors, N. A.
Lygon, Hon. General	Walker, R.
Macaulay, T. B.	Warburton, H.
Maule, Hon. Fox	Ward, H. G.
Morpeth, Lord Visct.	Williams, W.
Morris, D.	Wilmot, Sir J. E.
Muskett, G. A.	Wood, Sir M.
O'Connell, D.	Wood, G. W.
Oswald, J.	Wood, Colonel T.
Packe, C. W.	Worsley, Lord
Pakington, J. S.	Wyse, T.
Palmer, R.	Yates, J. A.
Pechell, Captain	Yorke, Hon. E. T.
Peel, Rt. Hon. Sir R.	
Perceval, Colonel	*Tellers.*
Perceval, Hon. G. J.	Parker, J.
Philips, M.	Stanley, Hon. E. J.

NOES.

D'Israeli, B.	*Tellers.*
Fielden, J.	Duncombe, T.
Wakley, T.	Leader, J. T.

Order of the Day read.

LORD JOHN RUSSELL.—In moving the resolution which I am now to propose, I think it my duty to state the circumstances which have made it necessary for me to bring forward this vote. It has been stated, in some quarters, that an assembly of persons, being lawfully met together, and conducting themselves peaceably, for the purpose of discussing public grievances, were interrupted by a sudden attack on the part of the metropolitan police; and an attempt has been made to refer what has since taken place, to this, which is described to have been a wanton and unprovoked attack. I think it necessary to state what have been the representations made to me with respect to the condition of Birmingham previous to the late occurrences. For some time there had been meetings held, at which the most violent and inflammatory language was used. On one occasion, certain persons were arrested and held to bail for using such language. But, within the last month, the practice of holding those meetings had very much increased; and it became the habit of a number of men, simultaneously assembled together, to march through certain parts of the town with banners, — by that means alarming the townspeople. Representations were made to the authorities of Birmingham, that the trade of persons carrying on their lawful business in the thoroughfares through which the crowds passed, was endangered and disturbed by these meetings. It was stated, at the same time, that there was not an adequate civil force in the town for the arrest of the persons so conducting themselves. Now, it is a very great mistake — but a mistake which may easily be fallen into — to suppose that, when there is no actual riot, no breach of the peace, no actual damage to persons and property, such meetings can be considered lawful. The authorities on the subject will show that this is not the case. I will quote one or two, because I think the opposite opinion very likely to lead to great mischief; and innocent persons may be induced to mix themselves up with such meetings of an unlawful character, from the fact of thus supposing that no injury can happen to them from such an indulgence of their curiosity. Now, at the special commission of 1831, Mr. Justice Bosanquet described as unlawful, "all assemblies, not held by lawful authority, attended by great numbers of people, with such circumstances of terror as are calculated to excite alarm and to endanger the public peace." On a very late occasion, at Devizes, Mr. Justice Coleridge, charging a jury, stated that "any assembly where people met together in great numbers, using arms, or using violent, seditious, or threatening language, or even strong gestures against persons concerned in the preservation of the peace, is by law considered an unlawful assembly." It is laid down in a common book of reference, — in a late edition of *Burn's Justice*, — that "a meeting of great numbers of persons with such circumstances of terror as may endanger the public peace, and raise fears of violence, seems properly to be called an unlawful assembly." It is obvious that circumstances which create terror may be very different at particular times. Thus, a mob meeting at night, with persons carrying torches and using threats against the property of the inhabitants of a district, may be unlawful. At another

time there may be persons armed, carrying weapons, firing them off, and thereby terrifying the peaceable inhabitants; or there may be a meeting of persons carrying bludgeons, using gestures and threats to the inhabitants in crowded streets, which may cause the meeting to be an unlawful assembly and punishable by law. I have stated this, because it has happened, within four or five months, that I have been very frequently appealed to, to mention the particular circumstances which make a meeting an unlawful assembly. I could only refer those who made the inquiry to the books of authority, and to the charges delivered by those who have legal authority on this subject, without being able to give any exact definition of what positively constitutes an unlawful assembly. But there can be no doubt that these assemblies in Birmingham, consisting of 3000, 4000, and sometimes 5000 persons, marching in the way I have described, and terrifying persons from resorting to their usual thoroughfares, did constitute both unlawful assemblies, and, also, a very great grievance to the peaceable inhabitants of the town of Birmingham. The magistrates of that town, finding that the civil force in their hands was not sufficient for the purpose of arresting persons concerned in such meetings, — and unwilling, in the absence of any actual riot, to call in the military, — asked me to grant them assistance, by enabling them to swear in as special constables a number of the metropolitan police. Be it observed, that when the metropolitan police are sent to a place in the country, they act, there, as individuals sworn in by the magistrates as special constables. An Act of Parliament passed three years ago, by which persons able and willing to serve may be sworn in as special constables, though not belonging to the neighbourhood, and may be paid as such. In that way the magistrates of Birmingham asked the aid of the metropolitan police. I need not tell the House what has since occurred, both in the arrest of several persons concerned in these unlawful assemblies, and likewise in the riots which occurred on Monday, the 15th, when houses were destroyed, and other houses and property plundered, by a riotous mob. But I think the committee will agree that, although the magistrates might be justified in taking the measure which they did for the preservation of the peace of that town, yet that they ought to endeavour, as soon as possible, to have a civil force belonging to the town, — being the regular police force of the town, — who might constantly preserve the peace there — being supported, if necessary, by the military stationed in the neighbourhood. There are difficulties in the way of an immediate organisation of such a force, both from the excited state of Birmingham, and from the question raised in Manchester with respect to the corporation, and which might cause some doubt of the power of the corporation of Birmingham to levy a borough rate for the organisation of a police force. I propose, therefore, as the object is a most desirable one, and one which concerns the general state of the country, as well as Birmingham, that the state should so far interpose as to advance a sum of money, to be afterwards repaid by the town. I propose that this should not be a vote of Supply, but a vote forming the foundation of a Bill, — which Bill should provide for the recovery of the money by means of a rate on the borough; that rate to be imposed by Act of Parliament, and therefore to be totally irrespective of the question of the authority of the corporation. I do not wish to enter into that question. It is quite unnecessary that I should do so.

There is one circumstance which I wish to explain, concerning the state of Birmingham; because a letter addressed to me, concerning the late events, has appeared in print, — the parties who sent it having thought proper to publish it. It had been stated, that it was desirable that inquiry should take place; and I required that any allegations to the effect that the magistrates of Birmingham had information of the riots about to take place, and had neglected to take measures for preventing them, should be distinctly set forth, with the authority on which they rested. It seems to be supposed that I thought proper to cast censure on those who asked for inquiry. I do not think that the course which I took at all implied censure on those parties; but, as they have chosen to make public their statement, I shall deem it proper to produce the letter which I wrote on that occasion, in answer to the demand for inquiry. There seems to be some ignorance on the subject of that letter, and some impression that I refused to allow any inquiry to take place into the conduct of those magistrates. It is certainly a custom, — not a custom established by me, but long established by Secretaries of State, — when complaints are made against official persons, to furnish them with full information on the subject, and to ask them what they have to allege in answer to the statements that have been made? On the occasion of the election of 1837, complaints were made against the officer commanding the ca-

valry. On that occasion, there was a disposition to riot shown, and the police and military were called out. It appeared to the magistrates, that the military had conducted themselves so well on all occasions, and that they had acted with so much decision, and, at the same time, with such temper and forbearance, that I was asked by the magistrates to approve of the conduct of the commander-in-chief; and I, accordingly, expressed to him the thanks of his late Majesty for the conduct of the troops on those several occasions. Among the troops so employed were the troops that acted at Birmingham; and Sir Maxwell Wallace was the officer employed. After this, complaints were made of the conduct of Sir Maxwell Wallace: and, after hearing everything that could be said, it appeared to me that that gallant officer had acted in a manner which was highly creditable to him; that, placed, as he was, in most difficult circumstances, he might have committed a trifling error of judgment in some part of his conduct; but that, upon the whole, he had acted in a way the most likely to preserve the peace of the town, and, at the same time, to maintain unbroken the military under his command. Upon my expressing that opinion to those who asked for inquiry, I added, that I did not think it right,—entertaining, as I did, such an opinion,—that this military officer, who had conducted himself in what I thought a proper manner, should be subjected to a formal inquiry,—implying, as that might be thought to do, something of censure. That is the matter to which reference is made in the letter lately published. I shall take care that the letter I wrote upon that occasion be produced; and although the circumstances may not, now, excite much attention, yet it will explain what seems matter that requires explanation. I will, at present, only move, "That the Commissioners of her Majesty's Treasury be authorised to direct that the sum of 10,000*l.* be advanced out of the Consolidated Fund of the United Kingdom, for the purpose of establishing a police force in Birmingham; the same to be charged upon, and repaid out of, the rates to be levied on the said town." If this resolution be agreed to, and reported, I shall then ask for leave to bring in a Bill founded upon it; and I shall take care that the Bill shall provide that the advance be repaid out of the rates so to be raised.

The resolution having been put,—

Mr. HUME said:—Sir, I understand we are called upon to make this advance, in consequence of the corporation having no power under the charter to borrow money for the purpose to which this advance is to be applied. I would ask whether, if this principle be applicable to Birmingham, every other corporation is not under the same circumstances? and whether, therefore, every one of these corporations ought not to have the means, within itself, of establishing a proper effective police? Such a police is absolutely necessary, in order to prevent mischief. I have found, in the course of my inquiries, that scarcely one of the old boroughs maintains a proper and adequate police. I have no objection to the resolution proposed; but I do object to the grounds on which the Noble Lord supports his call for this vote, and to the authority of Justice Bosanquet and Justice Coleridge. I am disposed, from what I know of the constitution, to deny, altogether, the grounds of their opinion. If the fact of a meeting being numerous, or of violent gestures being used, is to be a ground of its being unlawful, I know of no meeting which is legal. When the Six Acts were passing, and when the present Lord Plunkett and Lord Melbourne defended those Six Acts, I am very much mistaken if the Noble Lord (Lord J. Russell) did not produce better and more valuable authority for authorising the people to meet. Mr. Justice Bosanquet's opinion is, that every meeting, not called by legal authority, is unlawful.

[Cries of "No, no!"]

I understood those to have been the terms used. It appears to me that this is a most dangerous doctrine. In the years 1831 and 1832, when meetings took place connected with the Reform Bill and the state of the country, I am sure that if the definition by those two judges, as given by the Noble Lord, had been applied to those meetings, very few of the men who took part in those meetings, on those occasions, would stand clear of the charge of having violated the law. If the Noble Lord were to make Mr. Justice Bosanquet's opinion the law of the land, I have no hesitation in saying that every one who joined in those meetings—numerous as they were, and containing, as they did, many of those individuals who have formed part of the Administration, since—was guilty of illegal conduct. Protesting, as I do, against such doctrine, I, yet, quite admit the propriety of a police force being established in every one of those towns; and, as I see no means of immediately doing this, in the present case, but by an advance from the public

purse, — on that ground I will make no objection to the loan. The Bill will secure the proper administration of this advance; and a further reason for my assenting to the proposal is, that I believe, in my conscience, that the sending down to Birmingham a police force from London was the cause of a great portion, if not of the whole, of the riot and disturbance that have taken place. I wish the House would not look merely at Birmingham, but to Manchester, Newcastle, Carlisle, and other places where disorder is spreading over the whole manufacturing population. We should do well to see whether this Bill could not be made general in its application, and whether those who have the peace of large towns to maintain, ought not to be provided with an adeqnate and proper police for the purpose. I will not throw any difficulties in the way of a police force being established at Birmingham; but I must protest against a doctrine which would make almost every meeting of the people illegal; and, as this doctrine is altogether foreign to the question before the House, I do not think that there was any occasion to introduce it, unless the Noble Lord be prepared to lay down, and to found upon it, a Gagging Act, similar to that of 1819.

SIR E. WILMOT. — Sir, perhaps, before we proceed further with this discussion, the Honourable Member for Birmingham will state what is the condition of the police in Birmingham at the present time? It should be recollected that Birmingham is, in point of fact, an overgrown village; and the only officers there, previous to the Act of Incorporation, were the high and low bailiffs, and the constables, appointed at an annual court leet. There is another body, called the Street Commissioners, who have, hitherto, exercised the power of appointing policemen or watchmen. Since the charter of incorporation was granted, these commissioners and policemen have ceased to act; and I wish to know what has become of the power formerly exercised by the commissioners, of raising a body of watchmen, and assessing the inhabitants for their maintenance?

Mr. SCHOLEFIELD. — The reason why the new corporation has not yet appointed police is, that they could not raise the necessary funds according to the terms of the present charter. The mayor and corporation, accordingly, anticipating a disturbance, applied to the Noble Secretary of the Home Department for assistance; and that Noble Lord, very properly, sent down a body of police. I think it is quite clear that the riot would have broken out, whether the London police had been sent down, or not.

SIR E. WILMOT. — Sir, the question I put to the Honourable Member was, what has become of the power of the Street Commissioners?

Mr. SCHOLEFIELD. — The corporation, finding that they had no power to raise money, endeavoured to fall back on the ancient system, and applied to the commissioners; but the commissioners refused to act, — alleging that the charter of incorporation had taken away their powers.

Mr. W. WILLIAMS. — My opinion is, that if the corporation of Birmingham has not the power to raise money to establish a police, a Bill ought to be passed at once to give them that power. That Act would take up as little time as the measure proposed by the Noble Lord. I cannot approve of the course proposed to be pursued. I think that the less Government interferes with the corporate towns, the better. Now, the Honourable Member for Birmingham intimated that money could be borrowed for this purpose, if the corporation were empowered to raise it. If so, a Bill ought to be brought in, to give power to all towns where a corporation is established, to raise money to establish a local police. I agree with the Right Honourable Baronet opposite, that a local police would be much more efficient for the preservation of peace than a London police; because, in the case of a local police, the parties are known, and, if they misconduct themselves, they can readily be detected and punished. I think that the late excitement in Birmingham was caused, in a great measure, by sending a strange force amongst the people; and also very much increased by the most unjust, most unwarranted, and most gross treatment of Messrs. Lovett and Collins. But for that treatment, I think that no disturbance would have occurred. I do not object to the establishment of a local police; but I disapprove of the principle of making this advance; and I conceive that the better course would be, to bring in a Bill to give power to Birmingham to levy a rate for the purpose of establishing a police force.

Mr. WARBURTON. — I shall support this vote on the ground stated by the Honourable Member for Kilkenny. I think that a local police force ought to be instituted in all great towns like Birmingham, — and this, not for mere temporary pur-

poses, but I hold that a permanent force should be established.

SIR R. PEEL. — Sir, I wish to know whether I am correct in understanding that this Bill will contain an express provision that the present advance shall be repaid by local assessment, to be levied upon the property of the inhabitants of Birmingham?

Mr. WARBURTON. — I understood that the mode of levying rates would be determined by a future Bill.

LORD J. RUSSELL.—The Right Honourable Baronet understood me correctly. It is proposed that the sum advanced shall be repaid by assessment upon the town, putting altogether aside the question of the validity of the charter. Supposing the charter to be, as I believe, valid, the general purposes of local government may be transacted under the charter.

SIR R. PEEL. — Sir, that was my understanding. I understood that it would be difficult, without the intervention of Parliament, at present, to raise a rate; and that the same Bill would provide for the advance of this money, and for an assessment upon the property that would be subject to a borough rate, — supposing there should be no doubt about the legal power of the corporation to impose one. I do not understand whether or not this is to be a temporary arrangement? or whether it is to be the foundation of a police force, which is, hereafter, to be subject to the local magistracy? Does the Noble Lord propose to establish this police upon a footing analogous to that of the metropolitan police, — namely, with stipendiary magistrates, and salaried commissioners, appointed like Colonel Rowan and Mr. Mayne, who superintend the metropolitan police? or does the Noble Lord propose to leave the selection and control of the police to the local magistracy?

LORD J. RUSSELL. — I propose to leave it entirely to the local authorities, as at Coventry and other towns.

SIR R. PEEL. — Then, Sir, if that be the case, — if the police are to be selected by the local magistracy, and controlled by them, — I very much doubt whether it will be necessary for Parliament to interfere; and whether it would not have been a better arrangement to have taken a temporary power, until the question of the corporation charter should be satisfactorily settled, — and that Government should appoint a magistrate, having, as the metropolitan magistrates have, entire control over the police. I very much doubt whether this would not be a much more satisfactory course. However, I certainly, without reference to matters of detail, am prepared to support the Noble Lord; for what answer can we give to Mr. Leggett, and the other peaceable and unoffending inhabitants, whose properties were destroyed, unless we take some effectual security for the maintenance of peace and order? This is not a question of oppression or tyranny; — it is simply a question of providing that protection which is due to those who are ready to give their allegiance to their Sovereign, and who have, therefore, a right to demand protection. And I must say that people may talk of arbitrary power and despotism, but no despotism is half so oppressive, so unendurable, as that under which those live, who are in the daily fear of injury to their persons and their property from a dominant physical force, without power on the part of the law to protect them; and I will venture to say that no tyranny of a single despot is half so bad as this home, domestic, daily searching tyranny. Sir, the Honourable Member for Coventry is quite wrong in supposing that I attribute the disturbance that has taken place in Birmingham to the London police. Under the circumstances of the case, it may have been necessary to employ that force; it may have been the lesser, in a choice of evils; but although I do not attribute the outbreak to the employment of that force, I have a very strong feeling on the subject, — that it was most unwise to employ it for that purpose. I will not say that there was any other alternative that could have been resorted to; but I think the whole case furnishes a strong argument in favour of a local police. I do not hesitate to say that I think it unwise to send into the country, detachments of the London police. I have no hesitation in affirming that the sudden arrival of fifty or sixty men — persons totally unknown, and called into action immediately on their arrival — might have a tendency to produce a feeling which is not excited when disorder is repressed by the military, or by a local police, whose special duty it is to maintain the peace of the district, whom the inhabitants would recognise and know as persons performing the special duties to which they were legally appointed; and from whom, therefore, they would tolerate what they would not tolerate from a foreign force. Although, therefore, I do not blame the course that has been pursued, — indeed, I have not sufficient information to entitle me to do so, — yet, under the peculiar circumstances, I ear-

nestly hope that the Noble Lord will take some step which may avert the necessity of employing the metropolitan police for these purposes. I know it is difficult to draw the line; I know there are particular cases, — such as when an outbreak takes place, or a murder is committed, — when it becomes expedient to send an active and intelligent policeman perhaps 200 miles into the country. Again, when the labourers on a railway, or such like undertaking, happen to be in a state of riot and disorder, it may, occasionally, be found useful to send down three or four policemen. I know how difficult it is to lay down a precise principle that shall, in all cases, be rigorously adhered to; but I hope the Noble Lord will not encourage this practice of sending detachments of fifty or sixty men to maintain the public peace in remote districts. We know what the consequences would be. These persons, thinking that they were sent on a special service, would also think that they must distinguish themselves; and they would be apt to resort to measures of activity and severity, which a local police, knowing, better, the persons with whom they had to deal, would not resort to. We may depend upon it, also, that, though the metropolitan police conduct themselves, here, with the utmost forbearance, and, relying on their strength, and the known support which they receive, are moderate and unassuming in the exercise of their proper powers, — still, if we get into the habit of sending these persons without the control of their superior officers (such as Colonel Rowan and Mr. Mayne), — if we send them in detachments of fifty or sixty under subordinate officers, — we may depend upon it that we shall run great risk of not merely involving that particular detachment in danger, but also of impairing the efficiency and character of the metropolitan police in that particular district. If they were to act with too much spirit, or enterprise, or activity, or were to show a too great desire to signalise themselves for courage, their general character might be injured: and, again, — if there were too much forbearance on their parts, too much caution, too much fear of committing themselves, they would run the risk of impairing their efficiency, by subjecting themselves to a charge of manifesting too much prudence, approaching to cowardice. I hope that that force will be reserved for those proper duties for which they were intended; and that, by the establishment of an effective local police in different parts of the country, it may not, in future, become necessary to resort to the alternative of calling out the metropolitan police. I did not — I could not — say that the employment of the police was the cause of the disorders of Birmingham. We all know that those disorders are attributable to other causes. It is impossible that that town should have been kept in the state of excitement which for years past has existed there, that such inflammatory harangues should have taken place, that there should have been the fierce excitement of Political Unions, such meetings, and marchings, and large demonstrations of physical force, — it is utterly impossible that all this should have taken place for some years consecutively, without their creating, on the part of the population, a spirit which those who encouraged it in the first instance now deeply regret. They, having shrunk back, are succeeded by men with other intentions and bolder designs; while the former leaders have become objects of actual execration with those who supposed that, as having first excited this spirit, and having led other parties to a certain point, they would not have abandoned and deserted them. Such is the history of all these popular excitements. Those who commenced them, instead of retaining the favour of the people, have become the special objects of popular execration; when bolder men have stepped forward, who, in their turn, have been supplanted by others, who have gone a step further. I must say, that I deeply regret that a measure of this nature should be brought forward at so late a period of the Session. The Government, however, are the best judges whether or not it is absolutely necessary for the public tranquillity, — as they have access to information which others have not; still, I cannot help thinking that there were, some time since, such manifestations of the state of affairs, as might have enabled them to have called the attention of Parliament to this subject at a period when it would have been possible to give a more deliberate consideration to the measure. I must complain of being called upon, at this period of the Session, to consider a question of such immense importance as the establishment of a rural police, without knowing what control it is to be placed under. I feel, at the same time, for the sake of the people themselves, — for the sake of those who live by industry, and who would feel, most, the consequences of any interruptions of the public peace, — that paramount considerations of this kind prevent me from refusing my assent to measures necessary for securing that protection to life and property, which is the main object of all civilised society, — and which if we do not give to peaceable, unoffending, and loyal subjects, we abdicate one of the first functions and duties which we are called upon to perform. I

deeply regret the necessity, at this stage of the Session, of entering upon this important measure; but, whether it is to be of a temporary character, or not, we shall have a better opportunity of judging when the specific enactments are brought forward. I will only add, that I think, from the many intimations that have been given of the state of affairs, Government might have called the attention of Parliament to this subject at a much earlier period.

Mr. WARD.—Sir, I, for one, cannot regret that Government have refrained from any extreme measures until the circumstances of the country rendered them absolutely necessary. And I trust that the unanimity with which this vote will be passed, will be productive of the best effects. I trust it will convince the deluded people that there is, in this House, a firm determination to resist every violation of the law. I concur in the present measure, hoping that it is only the commencement of the establishment of a permanent system of police in all large towns, under the control of the local authorities. As to the introduction of the London police at Birmingham being the cause, or the principal cause, of what has taken place there, I can only say, that the man who indulges in such a belief must close his eyes and ears to all that is passing around him. The outbreak might have occurred a few days later or sooner; but, from the preparations that had been made, and the organisation that existed, the introduction of the police, when it became absolutely necessary for the magistrates to exercise some authority, acted only as a spark to fire the train which had been laid a long time previously. I trust that the vote will be agreed to without a division, and that we shall thus convince those who are trading in a systematic violation of the law that we are determined to afford full protection to life and property.

SIR E. WILMOT. — Sir, I trust I may be permitted to express a hope that her Majesty's Government will attend to the suggestion respecting the appointment of a stipendiary magistrate: it is the unanimous wish of the people of Birmingham that such an appointment should be made. The House should be aware that the local magistrates, at present, attend only twice a-week. So much is the want of resident magistrates felt, that I recollect having been, on one occasion, called out of church, to quell a disturbance, — no local magistrate being present.

Mr. SCHOLEFIELD. — Sir, I cannot agree with the last speaker as to the wish entertained by my constituents for the appointment of a stipendiary magistrate. I do not believe it to be unanimous; on the contrary, I know that there is a great difference of opinion on the subject.

SIR R. PEEL. — The Honourable Baronet has somewhat misunderstood me. I did not refer to the appointment of a stipendiary magistrate to act judicially, but rather for the purpose of specially applying himself to the organisation and control of the police force. My firm opinion is, that we shall find that force regulated with much greater satisfaction to the people, and infinitely more efficient, if we adopt the plan of the metropolitan police, and place the first organisation and control of the force under a person who shall be immediately responsible for the duty.

LORD JOHN RUSSELL. — Sir, undoubtedly, I consider the question of the Honourable Baronet to have been somewhat different from the proposition of the Right Honourable Gentleman. I understood the Right Honourable Baronet (Sir R. Peel) to propose that there should be a magistrate in the character of one of the Metropolitan Commissioners of Police, in order to organise the force. I do not like, at once, to give an opinion contrary to such a proposition; but I certainly should be afraid that the same jealousy which has shown itself to the introduction of a foreign police, might also attach to such a scheme, if proposed by Government in a Bill to Parliament. With regard to a stipendiary magistrate for the administration of the police in Birmingham, the statements made by both parties — by those who were in favour of the charter and those who opposed it,—and the natural defects of the former constitution of a town like Birmingham, — were the main reasons with me for thinking that the charter was desirable; and a charter being desirable, I thought some of the main benefits to be attained would be, the holding of a regular quarter sessions by a recorder, a stipendiary magistrate, and an efficient police. The corporation immediately asked for a quarter sessions; and I certainly stated to those who came to London after the first election of the town council, that I should recommend them to apply for a stipendiary magistrate. I suppose that some obstacle occurred, to prevent them from complying with my suggestion; but as soon as the late events occurred, I wrote again to the council,

urging them to apply for a stipendiary magistrate. I am persuaded that a stipendiary magistrate permanently acting, — as in Liverpool, and, by Act of Parliament, in Manchester, — would be of essential service to a town situated like Birmingham. I am generally of opinion, with others who have spoken on this occasion, that a local police, in many of the large towns, and in many populous districts not corporate, would be very desirable; and I think that that object would be very much attained by the Bill I shall ask leave to introduce on a future occasion. I will not, therefore, enter further into that subject at present; but, as the Right Honourable Gentleman (Sir R. Peel) has expressed his regret that a proposition of this kind should have been delayed till so late a period of the Session, I must say, it was my opinion, watching the course of events this Session, that there would not be any necessity for any extraordinary measures, until very lately. I had repeated accounts, at one time, that there was a spirit getting up of great dissatisfaction, and even a disposition shown to resistance, very often, in some places, which afterwards appears to have entirely subsided. I had, therefore, to consider whether it was not possible that the whole of these dangers might be avoided, without any increase of the military force, or resorting to any extraordinary measures. Every one must agree it was most desirable, if possible, that there should not be a necessity for any of these debates and extraordinary measures, but that the usual laws should be allowed to have their course. Such have been my feelings with regard to the situation of Birmingham. I thought, at length, that, in the present state of affairs, and with the probability of Parliament being speedily prorogued, it was not advisable to let this Session close without producing such measures as I considered proper.

But there is another topic on which, as the question has been raised, I cannot refrain from saying a few words. It is supposed that the whole of this discontent and agitation are referable entirely to persons advocating what is called "the Charter," (a scheme embracing annual Parliaments, universal suffrage, and vote by ballot), and using the most violent and inflammatory language in support of those objects. I beg, however, to say that there was, in the course of last summer, and even anterior to that, another agitation, set on foot by persons who pretended to have an exclusive regard for the poor employed in the manufacturing districts. In the North, especially, language was used to inflame the people, to excite them to resistance of the Poor Law Amendment Act, and to interfere with the operation of the laws which regulate the employment of labour. The agitation pursued on this subject, by Mr. Oastler and others, has been extremely conducive to the present state of things. I consider, undoubtedly, while that agitation was extremely dangerous to the country, — while it led to a state of things very much resembling what has recently occurred, — yet that it was one of the dangers of the present times most difficult to meet and remedy by any legislative measure which could be proposed, because it was applied, not to sweeping propositions for overturning the institutions of the country, or for a general division of property, and other of those insane projects which would be scouted by the great majority of the people; but it had an appearance of attending solely to the proper treatment of the poor labouring population, and of being intended solely for their benefit. In stating what is the present condition of the country, it should not, therefore, be left out of view, that the agitation against the Poor Law Amendment Act has been one of the main causes of the present dangers. At present, it is true, agitators do not employ that topic; but, for a long time, political questions were very much lost sight of, and the Poor Law Amendment Act was misrepresented in all its principles and objects, — inflammatory invectives being directed against it in every point of view; and by this means very great evil has, unquestionably, been done.

Mr. WAKLEY. — Sir, although I opposed the motion, "That the Speaker do leave the chair," on the ground that the Noble Lord had not made out any case for pre-audience, and lest — the Government business having been disposed of at an early hour — the other matters which stood for discussion should be got rid of by having the House counted out, — yet I beg to assure the Noble Lord that I have not one word to say against the principle of the motion now under consideration; — on the contrary, I heartily approve of it. Whether or not Birmingham has been exposed to riots and anarchy, it is essential it should have a police. In my opinion, no important town should be without a police. I entirely concur in almost every part of the speech which has been uttered by the Right Honourable Baronet opposite. There was scarcely a sentiment in it, which any Member in this House could dissent from. At the same time, I think it rather extraordinary that so strenuous an advocate for corporations, with a view to the establishment of an efficient police

in this country, should have shown so much anxiety for their abolition in Ireland. Probably, the Right Honourable Baronet can explain this seeming inconsistency. I cannot help thinking that, in Ireland, as in this country, a good system of corporations would be most beneficial, to serve as the foundation of an efficient police. The mode suggested of appointing the police is altogether unobjectionable, — so much so, as to remove all hostility to the motion now before the House: but if a commission had been proposed, I should have perseveringly and unrelentingly opposed it; for nothing, in my opinion, can be more objectionable, in a constitutional point of view, than that the government of the police of any locality should be withdrawn from the people.

SIR R. PEEL. — Sir, I am strongly desirous of answering the question which has been put to me by the Honourable Member for Finsbury. The Honourable Member professes to be excessively surprised at my unwillingness that corporations should be instituted in Ireland, in order to give the large towns of that country the advantages of an efficient police. Is the Honourable Gentleman aware that the police in Ireland — a force of about 8000 men — are appointed by, superintended, and under the control of the Government? — and does he know that the Irish Municipal Bill, for which he is so strenuous an advocate, so far from placing the local police for the city of Dublin under the charge of the new corporation, expressly excludes the new corporate body from any control whatever over the police force of that city? The new corporations in other places have, I believe, the power of appointing watchmen; but the police of Dublin, analogous to that about to be instituted in Birmingham, so far from being left under the local authorities, is expressly placed under the control of the Government. Some few years since, the local authorities had the appointment of the constables; but her Majesty's Ministers came forward and took away that appointment, — not transferring it to any other local authority, but vesting it in the Government for the time being.

Mr. O'CONNELL. — Sir, I believe the fact to be, that the local authorities, in the case referred to by the Right Honourable Baronet, voluntarily abandoned the appointment of constables; and I am thoroughly convinced of this, — that, if the corporation of Birmingham get the management of the police in the first instance, very little experience will convince them, that it would be very much better for the peace of the town, and their own ease and quiet, to leave it to the commissioner. The experiment has succeeded in London, and most eminently in Dublin; and, for this reason, every friend of peace should be anxious to leave the control of the force with the Government. I cannot help saying that the cry against the London police, so far as Birmingham is concerned, is likely to prove utterly unfounded. I wish their conduct to be examined into, most minutely; but I am sorry the Right Honourable Gentleman appears to give some degree of countenance to that cry. It should be remembered that, for ten or twelve days before the late proceedings, the principal shopkeepers in the neighbourhood of the Bull-ring were obliged, early in the evening, to shut their shops; their families were kept in a state of anxiety and uneasiness; and the Government could only choose between the employment of the metropolitan police and the military. In Ireland, there is no force so popular as the military; but, if they had been employed in Birmingham, there might have been bloodshed; and it was infinitely better to make the experiment with men not armed with deadly weapons.

SIR R. PEEL. — Sir, I beg to explain, that nothing could be further from my intention than to speak disparagingly of the metropolitan police. The superintendent at Birmingham is one of the most gallant of men. He was a sergeant in the campaigns under the Duke of Wellington, and possesses attainments far beyond his station. I am sure there is no man who would act with greater courage and forbearance than he would do. I highly complimented the commissioners, and I did not even blame the employment of the force on this particular occasion; but I said I hoped the Noble Lord would take steps to avoid the necessity of resorting to such a measure as that of sending down policemen, having local and special duties to perform in the metropolis, by the railroad, to a distant part of the country, removed from the control of their own superintendent, to act in a locality, and against parties, of whom they knew nothing.

Mr. O'CONNELL. — I did not receive the speech at second hand; I heard it myself. I admit that the Right Honourable Baronet said what he now repeats; but he seemed to qualify his praise of the men, by an attack on the system.

Mr. T. ATTWOOD. — I wish to know

whether any application has been made by the mayor and corporation of Birmingham for the loan of a sum of money, to enable them to increase their own local police?

LORD J. RUSSELL. — No formal application has been made. It has been stated to me, however, that such formal application would be made, if it should be thought necessary; but, as the circumstances had been mentioned to me by the mayor, I thought that intimation of them sufficient.

Mr. T. ATTWOOD. — I cannot help thinking there is no occasion to come to this House for such a power. The Commissioners of the Street, as they are called, the court leet, and the new corporation, have all power to raise a constabulary, and to pay them. I entirely object to the employment of a rural police, to act as spies, sometimes as murderers, but always as police officers, throughout the country. I believe that such a measure will, if possible, be yet more unpopular than the Poor Law Amendment Act. I dread the consequences of such an experiment; for this is not the time when attempts can be safely made to encroach on the liberties of the people. I believe that there is still good will remaining in Birmingham, from the lower classes to the middling classes, and from the middling to the upper classes. But if the House should once give any strength to the idea that it is about to create a Briareus with ten thousand arms stretching into every village, I think that it will soon have cause to regret the consequences.

Mr. FIELDEN. — I feel called upon to address a few words to the House upon this subject; for as one representing the feelings and wishes of those who sent me to this House, I am bound to object to the introduction of a rural police, like a *gend'armerie*, into this country. In reply to the assertion of the Noble Lord, that the agitation on the Poor Law has been a principal cause of the disturbances in question, I would remind the committee that there had been no agitation of that question at Birmingham, where this increase of the constabulary force is deemed so necessary. I admit that the New Poor Law is unpopular in every part of England, from Berwick upon Tweed to the Land's End, and that it will continue to be so until all its obnoxious provisions are repealed. Our immense weight of taxation prevents the people of England from living as their forefathers did; and the knowledge of that fact renders them discontented. Are all their grievances to continue? and is there to be no complaint? This House may continue to disregard the feelings of the people; but if it do, it will soon seal its own fate. The best way to restore tranquillity is, not to increase the force of military and police, but to redress the grievances, and to reduce the taxation, under which the people suffer so acutely at present.

The resolution was then agreed to; the House resumed; Resolution reported, as follows: —

That the Commissioners of her Majesty's Treasury be authorised to direct the sum of 10,000*l.* to be advanced out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for a police force in the town of Birmingham; the same to be charged upon and repaid out of the rates to be levied in the said town.

Mr. HUME. — I should be glad if the Noble Lord would inform me what assurance the House has, that the corporation of Birmingham will take this money? It appears from what has just fallen from the Honourable Member for Birmingham, that no application has been made from the town for the money, and that there are divers local funds from which it could be easily raised.

SIR T. FREMANTLE. — I have a question to put to the Noble Lord, quite different from that put to him by the Honourable Member for Kilkenny. I want to know how we are to get the money back again, if the corporation of Birmingham should happen to take it?

[Cries of "Hear, hear!" and laughter.]

How is the rate for its repayment to be collected?

LORD J. RUSSELL. — The Honourable Baronet had better wait till the Bill is brought in, for an answer to that question.

SIR T. FREMANTLE. — I would rather have it before; as it may determine whether I ought to agree to the introduction of the Bill, or not.

LORD J. RUSSELL. — There will be a provision in the Bill for the collection of a special rate, to be called the police rate.

SIR R. PEEL. — I assure the Noble Lord that it will be wholly unsatisfactory, as a security for the repayment of the

money, if he merely introduce into the preamble of the Bill, "a parenthesis," as in another and a recent case, stating that the corporation of Birmingham "pledges itself to make good any deficiency that may thus be created in the public revenue."

[Cries of "Hear, hear!" and laughter.]

The resolution was then agreed to, and Bill ordered to be brought in by LORD JOHN RUSSELL, Mr. ATTORNEY GENERAL, and Mr. FOX MAULE.

Bill, "to authorise an Advance out of the Consolidated Fund, for the Purposes of the Police of the Borough of Birmingham," subsequently presented, and read a first time; to be read a second time tomorrow, and to be printed."

MESSAGE FROM THE LORDS,

That they have agreed to — Indemnity Bill; Supreme Courts (Scotland) Bill; Soap Duties Drawback Bill, without amendment.

That they have passed, a Bill, intituled, "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales."

Also, a Bill, intituled, "An Act to enable William Russell, Esquire, to grant Leases of Coal Mines under the Lands within the Manor or Lordship of Brancepeth, and other Lands, in the County of Durham, devised by or subject to the Uses and Trusts of the Will and Codicil of William Russell, Esquire, deceased, and the Will and Codicil of Matthew Russell, Esquire, deceased."

BASTARDY.

Bill, "to enable Justices of the Peace in Petty Sessions to make Orders for the Support of Bastard Children," presented, and read a first time; to be read a second time on Friday, and to be printed."

PAPERS, &c.

Turnpike Trusts. — Returns for 1837.

Unlawful Meetings. — Paper.

Newspaper Stamps. — Returns.

(Severally presented 22d of July.) — To be printed.

COFFEE.

Mr. EWART. — Sir, in rising to submit a motion to the House relative to the growth of coffee in Africa, it will not be necessary for me to detain the House by any very long preliminary statement. The question, however, is one of considerable importance, and well deserving the attention of the House. My case is this: — That Messrs. Foster and Smith imported from Sierra Leone a quantity of coffee, the growth of that colony, and the produce of free labour; and that the Treasury would not allow that coffee to be introduced into our market, without its paying duty as foreign coffee. Messrs. Foster and Smith remonstrated, but in vain, against that decision of the Treasury; and I now wish that the correspondence between the parties may be laid upon the table of the House. My object in bringing forward this motion, to which I do not anticipate that any opposition will be offered by the Government, is, to promote the extension of the trade of this country with Africa, by obtaining a free interchange of the commodities in which both deal. I contend that, unless we admit coffee and similar articles from the coast of Africa at a moderate duty, we shall not be able to supply the increasing wants of our own population. The subject is also worthy of the attention of Parliament, on account of its connection with the slave trade. I am convinced that there is no more efficient mode of putting an end to that abominable traffic, than by encouraging the inhabitants of that vast continent to embark in the peaceable occupations of trade and commerce, instead of giving up their time and energies to those brutalising pursuits, which terminate either in the most cruel rapine, or in the most unwarrantable sacrifice of human life. I beg leave, now, to move for a copy "of the correspondence on the subject of admitting coffee, the produce of free labour, from within the British possessions on the western coast of Africa, between Messrs. Foster and Smith and the Treasury."

Mr. P. THOMSON. — I have no objection to the production of these papers. The only question, when they are produced, will be, whether they are worth the printing? There is no reason to suppose that coffee is cultivated to any great extent in the part of Africa alluded to; and I do not see how the distinction is to be made between the duty payable on that and the duty on all foreign coffee.

Mr. ALDERMAN THOMPSON. — I will take this opportunity of saying, that I hope more protection than they have

hitherto enjoyed, will be afforded to the British merchants trading to that part of Africa. I allude particularly to the outrages committed by France, for which reparation has been required, but hitherto without effect.

Mr. EWART.—I bring forward this subject with ulterior motives. The time must come, when the whole question of the tea, sugar, and coffee duties must be brought under the consideration of the House.

The motion was then agreed to.

RAILWAY COMMUNICATION (IRELAND).

Mr. FRENCH.—I rise, Sir, for the purpose of bringing the motion of which I have given notice under the consideration of the House; it has reference to railway communication in Ireland. It is difficult—almost impossible—to present any question to the House, to which, under present circumstances, the colour of party would not be given; and this now before us has to encounter much hostility—much misrepresentation. Yet, if ever a parliamentary question was free from the complexion of party, in itself, it is that of railways in Ireland; for this reason, — that it bears upon the interests of the whole community of the united kingdom, of all classes,— and, I may say, of all individuals of that community,—with the most entire and perfect impartiality. The great rivers, with which Nature has intersected the bosom of the land, do not dispense their benefits, as means of transport, more impartially than would these proposed results of art and capital. The case of Ireland has been, in various places,—ignorantly by some, intentionally by others, — misrepresented. From the English Parliament we ask no favour; we demand justice, both in words and deeds,— in neither of which has it, hitherto, been rendered to us. It will not, I apprehend, be denied, that the public—no matter what portion of the kingdom they inhabit—must essentially benefit by the construction of railways, which will afford them the quickest and most economical mode of transit; and that they must materially suffer by the adoption of any system which will place these great engines of national prosperity within the narrow grasp of corporate monopoly. It can, then, be fairly contended, that the funds for their construction should be raised on the credit of the state, and that the liability should be as general as the benefit. My object will be, first, to endeavour to show that the system under which the great leading lines of communication, or highways, in the country, have hitherto been managed, has proved a decided failure; secondly, that the construction of railways by the state is more conducive to the interests of the public than their construction by private enterprise; and, thirdly, that the security offered in this case is more than sufficient for any advance that might be required for the works. The making and repairing of highways—(and railways are about to become the highways of the kingdom)—have always been considered the special duty and care of the state. By our ancient laws, no man is exempt from the burden of keeping them in good and sufficient repair. It is part of the "*necessitas trinoda*," mentioned by Blackstone, to which every man's estate is subject; and is conformable to the Roman law, "for the construction and repair of roads and bridges." I allude to the Roman law, because on it the law of England relating to highways is founded. An ancient author has stated, "that the Romans paved the ways throughout the world, in order to make the roads straight, and keep the multitude out of idleness." Both these objects are as necessary, and as desirable to accomplish, at the present day, as they were at any former period. The Roman law distinguishes the high roads between the principal towns, from those between small towns and villages. The former, *viæ publicæ*, were made and maintained at the expense of the state; the latter, *viæ vicinales*, at the expense of the towns or villages they connected together,—the magistrates of which were empowered to levy on the inhabitants the sums required for that purpose; and those who were not able to contribute in money, were obliged to contribute their personal labour. That part of these laws which related to the *viæ vicinales*, alone, was retained by our Saxon ancestors, being more congenial to their feudal institutions; and was, by them, applied to public as well as private roads. At a later period, the judges, who had a charge to inquire "of common highways destroyed, and who were bound to repair or mend them," declared "that the counties were bound, at common law, to make good the reparations of a highway." By the statute of Philip and Mary, the parishes were compelled to repair the highways, and surveyors were appointed to superintend and enforce such repairs. Following the example of this misapplication of Roman law, this statute provided that the funds for this purpose

should be raised in each parish, either by composition or personal labour. A number of statutes were passed subsequent to this, all based on the same principle — a wrong one. I contend that the occupiers of each parish are bound to keep the highways in repair, for the use of the public, and that the more contracted principle of local liability is only productive of great discontent and much litigation. At length, the greater proportion of the roads in England were placed under the management of trustees, who were empowered to erect turnpikes, and take toll in aid of statute labour. This expedient has also proved unsuccessful. The trusts are encumbered with a heavy amount of debt, and the time appears to have arrived when a change of system has become indispensable. According to a paper in the Appendix, attached to the Report on Turnpike Trusts, in 1833, the expenditure of the trusts for a distance of 20,000 miles exceeds their annual income by 44,726*l.*, and there has been a debt incurred by those trusts of 7,785,178*l.* The Report just made states the debt to be now upwards of 9,000,000*l.* More than 2,000,000*l.* of this debt is for parliamentary expenses alone! The committee reported, that—

> They had not failed to observe, from the evidence adduced, the great benefits which had arisen from the consolidation of trusts round the metropolis; that all the witnesses, sixteen in number, that had been examined, concurred in recommending a system of general control for the management of the roads of the kingdom, — to introduce one general economical course of management, as the only means of reducing the enormous amount of debt, releasing the country from the burden of statute labour, and the high rate of toll now levied on every district.

And the committee recommended the immediate adoption of measures calculated to carry this object into effect. Numerous petitions have been presented to the House, praying that the recommendation of the committee may be attended to. It appears, then, that the principles recommended for Ireland, by the Railway Commissioners, must soon be adopted even in England, — namely, that the great leading lines of communication shall be made and maintained by the state. The transition which the peasantry of Ireland are, at present, undergoing, from the state of unemployed and pauper landholders, to, I trust, that of employed and remunerated labourers, is necessarily attended with much suffering; and it is only by an extensive system of public works that that suffering can be alleviated, and that we can reconcile the ultimate and lasting benefit of the country with the least possible amount of present misery to its inhabitants. The political grievances of the Irish people may be subjects of dispute. There can be no question as to their wretchedness and destitution; and much credit is, I contend, due to her Majesty's Government, for their adoption of the principles laid down by the Railway Commissioners, — for their endeavours to grapple with a question hitherto neglected, but one of vital importance to the future interests of the empire, — as to how the unemployed peasantry of Ireland are to be set to work, in a manner beneficial to themselves, and advantageous to the state. An unmixed plan of Government construction is, in my opinion, the most likely to realise the advantages anticipated from the introduction of railways in Ireland; and I read, with great pleasure, the statement of my Noble Friend, some time ago, that these advantages are not proposed to be confined to one district, — that the North and the West, as well as the South, are to participate in them. This is not only politic, but, if these provinces are deemed worthy of consideration, is absolutely necessary; as the construction of railways by the state and by private enterprise could hardly be expected to act together. No private capitalist, whose object must be personal emolument, will venture to compete with the state, under such fearful odds as must exist against him. Government can obtain money at from 2½ to 3 per cent.; whilst private individuals could not obtain it on the security of their works, — if, indeed, they could obtain it at all, — in the market, under 5 per cent. A Bill to enable Government to construct railways would be carried through both Houses without expense, whilst an enormous charge would be entailed on private speculators by parliamentary investigation, — which could not be denied where private interests are affected by works to be undertaken by commercial speculators, for their private emolument. It is well known to the House that the money expended, in this way, on the Brighton Railway, would have completed a very considerable portion of the line; and all this, when the works upon it are finished, the public will have to pay in the shape of high fares; and, in the case of companies, the large sums, also, that are demanded by landed proprietors, for the ground required for the works, which, for reasons not at the moment necessary to specify, must be paid in the first instance, and, afterwards, levied on the public. These sums have exceeded the estimates in a most extraordinary way; — on the London and

Birmingham, by more than one half; on the Grand Junction, the estimate was 120,000*l.*, the sum paid was 240,000*l.*; on the Great Western it was 70 per cent. over the estimate; on the Southampton, the estimate was 90,000*l.*, the sum paid was 260,000*l.* In the case of Government, land could be obtained for its fair value (in many instances, as they have had proof, without any expense), from the consideration that the object to be promoted is obviously the public benefit, in which the owners of land along the line must largely participate.

During the discussions on Railway Bills in this country, in the struggle between rival lines, hostile engineers, and grasping landowners, the interests of the community were completely overlooked. Had the principles which ought to have regulated so great a change in the means of communication been duly attended to, vested rights of a perpetual nature would hardly have been conceded to any of those companies; nor should we be driven, as we now are, to the dangerous expedient of *ex post facto* legislation, in order to secure for the public those advantages which ought to have formed the original conditions on which, only, such Bills should have been allowed to pass. It appears to me that the adoption of the private enterprise principle has been a serious legislative error, — one which should assuredly be remedied. The public has a right to expect that the Government should secure to them all the advantages of economy and speed of which this mode of conveyance is susceptible. It is notorious, from the causes I have already explained, that there has not been a mile of railway constructed in England, which has not cost much more — in many instances, 10,000*l.* and 20,000*l.* a-mile more — than it could have been constructed for under a different system. But this is not all: the proprietors have, in many instances, the unlimited right of fixing the charges for conveyance and passengers, in respect of a mode of conveyance which, of necessity, drives all others off the roads, — which admits of no rivalry, — and of which they are the undisputed masters. They may now declare — and petitions presented to this House show they have declared — what persons shall, and what persons shall not, send goods by their railway, — as there is no limit on their charges for passengers and goods, save the endurance of the public. So it is with respect to speed, which, being expensive, would be reduced to the lowest point in the scale which would mark the superiority of the railway over the conveyances it has superseded. Rival railroads are not to be hoped for; and competition, with all the advantages it affords to the public, is at an end for ever. In considering this question, the example of France ought not to be overlooked. In 1833, the French Chamber, following the example of the American Government nine years before, directed surveys to be made, at the public expense, of the lines of railway most likely to prove beneficial undertakings; and, after a protracted delay, the Government, in 1837, brought forward a project for the execution of six lines of railway, by means of private companies, to whom the public assistance was to be given in proportion as it was supposed the state might profit by the work. This view was opposed both by those Members who considered that the Government should itself undertake the works, and by those who were in favour of leaving them exclusively to private enterprise. The Bills were lost. In 1838, a new project was submitted by the French Ministers to the Chambers, embracing nine great trading lines, — four of which the Government proposed to execute at the public expense, at a cost of 14,000,000*l.* sterling; but, under this plan, so long a time must elapse before France could obtain the benefits of railways, — Government proposing to take a vote, in the first year, but for the twenty-fourth part of the sum required for the works, — that a well-founded opposition was raised in the Chamber of Deputies, to the proposal, which, after several interesting discussions, was referred to a select committee, which sat for two months, and produced a long Report. The substance of this was, that, notwithstanding the great interest the nation had in the execution of such works, Government should not undertake them except in cases where private enterprise had declined to do so, on account of the inadequacy or uncertainty of the profits. They also proposed a series of guarantees as those which ought to be required from private companies, before the power of constructing railways was intrusted to them. The Government contended that public works, which were likely to prove advantageous to the nation, were uniformly neglected by private enterprise in France, where the cost is considerable; and that, if railways were not constructed by the state, they were not likely to be constructed at all. The measure was, however, lost. The result has proved the Government to have been right; nothing has been done, and nothing appears likely to be done, in that country, worthy of notice.

An HONOURABLE MEMBER. — I move that the House be counted.

House counted accordingly; but more than forty Members being present,—

Mr. F. FRENCH continued: — On the other hand, look at Belgium, where, by the adoption of a system such as is proposed by her Majesty's Government, in less than six years the advantages of railway communication have been given to the entire of her population, at one third of the price paid for them in England; and it is important, that that country affords facts for our guidance, so that, in place of urging on the House a thing to be adopted, we are enabled to point out an example to be followed. I will read a most important document from one whose intelligence and ability, joined to his intimate knowledge of the working of the railway system in this country, entitle his opinions to great consideration, — I mean Captain Moorsom, who, for eight years, was the manager of the London and Birmingham Railway. It is a letter addressed to Mr. Pim, a director of the Dublin and Kingstown Railroad.

Highfield, Birmingham, July 3. 1839.

My dear Sir, — I have read in the *Railway Times*, of June 29., your letter to Mr. Shaw on Irish railways; and as I agree in your view that they should be taken up by Parliament, and carried on under Government control, I wish to strengthen your argument by such aid as my experience affords. The subject is one of the greatest importance both to England and Ireland; and, so strong is my opinion of the many and great advantages which would arise to both countries from the immediate establishment of railways in Ireland, that, although I have no personal interest in the matter, I am willing to take some trouble to help those who are endeavouring to bring it to pass. It is admitted on all hands, that if Ireland is to have railways in our time, they must be undertaken by Government. Capital in private hands will not, for a generation to come, seek that investment in any extended degree. But if this were not admitted, — if railways were now about to be undertaken in Ireland by private enterprise, as they are in England, — I should still urge their being constructed by loan of public money under the authority of Parliament, and the control of the executive Government, in preference to the other plan; and for the following reasons; namely, — 1. That they should be laid down on a plan embracing the whole country, the parts of which would be successively executed as circumstances required and justified, so that, when finished, the great lines of communication would have a mutual connection and support, — a plan which would form a striking contrast to the state of things as regards railways in England. 2. They would be executed more economically, and be better managed when at work, than if in the hands of a joint stock company, or of any set of such companies. 3. They would not merely allow, they would necessarily effect, a reduction of the cost of travelling on them, while the fares on railways on the joint stock plan would remain stationary. No one who candidly examines the Second Report of the Irish Railway Commissioners, and compares the system there developed with the facts as to the Railway Bills in Parliament, and consequent proceedings since 1830, will dispute the first assertion. My second assertion requires some explanation; and in the remarks I am about to make, I have no intention of criminating any man, or set of men: the question is of systems and circumstances, rather than of men and their measures. I think a very general misapprehension exists, popularly, as to the management of joint stock companies, as well as respecting the management of the affairs of the country by Government; the former is supposed to be governed by the active and vigilant motive of self-interest, so directed as to result in the benefit of the whole body; while to the latter is attributed the absence of motives to good management, and the existence of inducements to the contrary. When, eight years ago, I undertook the office I have recently resigned, I entertained the opinions I have above expressed respecting joint stock companies, as managed by mercantile men. I had had peculiar opportunities of seeing the management of some of the Government departments; and I did not entertain, of them, the opinions I have alluded to; but I thought that mercantile men would be more economical than the officers of Government. I had not been two years in a joint stock company, before I found how completely in error I had been as to their management. My present colleagues can testify how often I have told them my opinions on this head. I believe that the affairs of the London and Birmingham Railway have been as well managed as any similar concern, under the circumstances. Nevertheless, if that work had been done under the control of a competent Government board, I am decidedly of opinion that it would have cost less by a very large sum than the actual expenditure has been. The principle of good management is, individual responsibility, with a proper division of labour. Let any one say whether this principle will be carried into practice more effectually by a small board (say of three or five), whose whole time and services are paid for, and who are answerable for their acts, or by a numerous board (varying from fifteen to thirty), giving their time irregularly, without direct emolument, and whose individual responsibility amounts to nothing. Which of these two boards would obtain the best officers, and get the most work out of them? Which would most carefully examine all their officers' plans, and most vigilantly scrutinise their execution? I have always found among men employed under Government, a higher sense of the responsibility, than exists, generally; and this arises from their feeling individually accountable under a system, where what is wrong is pretty sure of detection. There is a growing conviction among directors and proprietors of railways, that their present system of management by large boards is vicious. Whatever may have been the case in times gone by, an executive board under Government in the present day (whether Whig or Tory is indifferent) is composed of individuals selected for their supposed fitness for their work. There may be mistakes as to individuals; but the principle is adopted, and, in general, acted on. I cannot say so much for the selection of boards of directors of joint stock companies: the principle of fitness, even when recognised here, is only allowed weight with a variety of other considerations, instead of being the sole and simple one. Besides, in this case, the selection must be from

proprietors, only; in the other, it is from the whole community. Perhaps some persons may be withheld from countenancing Government interference, by the idea that the railways, when made, are to be worked by Government as carriers: but this by no means follows; and, indeed, it would, in my opinion, be not only unnecessary, but injudicious. In a short time there will be — in fact, even now there are — individuals capable of undertaking, by contract, the whole working of a railway; and such persons would perform the work far better than either Government or a joint stock company. Let any one, then, compare the effects to be expected from such a system under parliamentary control, with the state of things of which we yet see but the beginning here; for, as railways multiply, the want of a uniform system will be more felt. The dreaded monopoly of railway companies would have no existence, and rival lines need not be encouraged in the vain expectation of producing competition. Now, let us suppose that a railway which has cost 5,000,000*l.* under joint stock management, had been made under a Government board for 4,000,000*l.*; suppose the 4,000,000*l.* charged with the 3 per cent. per annum interest, and 80,000*l.* (the 2 per cent. on the 4,000,000*l.*) for redemption of capital and maintenance of way, the tolls must produce 200,000*l.* a-year. On the other hand, suppose the joint stock company to be paying 5 per cent. per annum for 3,000,000*l.* of loan, and to divide 7*l.* per share, or 7 per cent. on the 2,000,000*l.*, — the sum total is 290,000*l.*; and the difference between this and the former aggregate tolls is 90,000*l.* But the expense of working the railway, and the quantity of work done, must be assumed as the same in both cases; therefore the fares of the joint stock company must be so much higher than the fares of the Government board need be, as to produce the 90,000*l.* Moreover, the interest of 3 per cent. is on a yearly decreasing sum, and the fares might periodically be reduced, till, the capital of 4,000,000*l.* being redeemed, the railway would require tolls only commensurate with its maintenance; so that, eventually, the fares would be very considerably lower than they ever could be under a joint stock company's management. Nor would the matter be mended, — but, on the contrary, it would be made worse, — if, instead of one, there were two railways over the same district, each managed by a joint stock company. But suppose, for the sake of further illustration, that the railway would cost the same — that is, 5,000,000*l.* — under either system, the difference of fares at starting would be 40,000*l.* instead of 90,000*l.* a-year, with a certainty of reduction under one system, and no certainty of any other sort under the other. The supposed case, if not precisely according to existing realities, is not far from high probability. I would seriously ask, then, what are the advantages, to the community, of the joint stock system which countervail those I have pointed out as the results of the other system? I have written with the freedom which belongs to private correspondence, although with the object that you should make use of my letter; — the particular mode of using it I leave to yourself.

I am, my dear Sir, yours faithfully,
C. R. MOORSOM.

It is my conviction, from what I have observed in England, and from what I know in Ireland, — and I have considered the matter with some care, — that if railways there were left to private enterprise, vast works would be begun on a vast scale, funds would be exhausted, individuals would be ruined, and the works would come to a full stop. We should have incipient railways here, and nascent embankments there, to survive as monuments of the vast distance between the scantiness of their means and the magnificence of their ideas. Mr. Pim made a calculation, that had the railways from this to Liverpool been executed under the different system, the fares for the first class carriages, which are now 2*l.* 11*s.* 6*d.*, would be amply remunerative at 1*l.*; and 15*s.* for the second class, now 1*l.* 17*s.* Is it not the duty of Government to prevent the useless waste of the national wealth, — particularly when, by so doing, they will add so much to the comfort and convenience of the middle classes? One class of persons — the economists — oppose the advance of money for the construction of railways in Ireland, professedly on the point of security being doubtful. Before, by your expressions, or by your votes, you give currency to a statement so unfounded as this, it is your duty diligently to inquire, and accurately to inform yourselves, — which you can do by means of official documents, — if the opinion you have so long indulged in be correct, or otherwise; and it may probably startle you to hear that the boasted liberality of England towards Ireland is but ideal; that, in her pecuniary transactions with us, she has ever demanded, and always obtained, a pecuniary advantage; and that her generosity has been confined to borrowing money on the credit of both countries at 2½ per cent., and lending it to us at 5. In one instance, the money advanced has not been repaid — 640,000*l.* out of the million fund. The Irish Members, at the time, told the House it was not likely to be repaid. It is still a matter in dispute to whom it was lent; one party contending that it was to the clergy, and the other that it was to the tithe defaulters. But even on this subject, if, by the sacrifice of that sum, you have, as I believe, put a stop for ever to the loss of life which followed the collision between the Protestant clergy and the people, — to such scenes as Rathcormac and Newtonbarry, — have you not had ample value for your money? Not one single shilling advanced on the credit of the Irish counties has been lost; on the contrary, you have covered the blunders of your executive, — as was the case in the county I represented, — in sending down money as a gift, and, fourteen years afterwards, declaring it to have been a loan, claiming and enforcing its repayment.

I will not detain the House by showing how England acts towards foreign countries. According to a Parliamentary Paper of 1822, No. 293., she paid to them in loans and subsidies, from 1793 to 1816, — not one shilling of which has ever been repaid, — 77,751,944*l.* Nor shall I say anything of the expenditure in Canada or elsewhere; but, to come more home to the question, — how did you use the national credit for your own purposes at an eventful crisis? You came forward in favour of your own landed proprietors. You enabled the Bank of England to lend us large sums of money at a low rate of interest, and saved our estates from being forced into the market. Since 1817, 6,250,000*l.*, borrowed on the credit of the United Kingdom, has been used for your separate local purposes — for railways, for roads, for canals. On what principle of justice, I would ask, is Ireland to be refused a similar privilege? They tender security superior to that on which your Exchequer Commissioners, here, sanction loans for England to the extent of upwards of 12,000,000*l.* sterling. They offer security equal to any in your power to give, if you pledge the entire property of England for it. They propose to you, as collateral security, a rental of millions to provide against the possibility of a deficiency on a sum which, at 4 per cent., would amount but to 92,500*l.* annually. They ask, in return, the completion of a plan which would raise a portion of this empire from comparative poverty to wealth, which would throw open an extensive and every day extending market for your manufactures, and which would annually increase your revenue by millions. The declaration of the commissioners cannot be too often impressed on you, that, by raising the Irish to the level of the English, an enormous increase would take place in your revenue; under one head alone, we calculate,—that of Excise, — to the extent of 6,000,000*l.* a-year. It is safe — it is more than safe, it is profitable—for the state to lend its credit for the construction of railways in Ireland; and for the sake of the community it is, I contend, bound to do so. The measure of her Majesty's Government is, as a recent writer remarked, one of work for the unemployed, and food for the hungry — a measure of humanity, a measure of protection, a measure of security for the peace of society — one promoting the interests of all classes. Both Houses of Parliament have recorded their solemn pledge to advance the interests of Ireland; and how can either of them, with anything like consistency, reject this, the first measure proposed for that purpose? I cannot sit down without assuring my Noble Friend the Secretary for Ireland, that the Irish people will long remember, with deep gratitude, his effort to improve their physical and moral condition, and to record my own conviction, that hereafter, should he be successful in it, he will derive more gratification from this work than from any other event in his official career, even should that career be as long as the friends of Ireland could wish, and as useful as his own friends anticipate. I will conclude by moving, "That an humble Address be presented to her Majesty, praying that she will be graciously pleased to direct such measures to be taken as will secure to the different provinces in Ireland the advantages of railway communication."

Question put.

LORD VISCOUNT MORPETH. — I shall not be tempted to offer any answer to the speech of my Honourable Friend, because my Honourable Friend has made an eloquent and a convincing speech in favour and on behalf of the measure which the Government has proposed, and the principles which I asked the House to adopt at an early period of the present Session. At that time I stated a plan, which I was reluctantly compelled to abandon, as far as this Session is concerned; and if, next Session, private enterprise should be found to be insufficient and incompetent to complete these works, which, it is admitted, would be beneficial to Ireland, it will then become the duty of the Government to consider whether they ought not to lend their assistance. I do not suppose my Honourable Friend intends to press his motion; for both her Majesty and the Government have done all they can in the matter, at present, by appointing a committee, which reported fully on the subject; and the carrying into effect the objects which my Honourable Friend has in view, must depend on the concurrence of Parliament generally. Neither do I presume that my Honourable Friend calls for any formal pledge from the Government; and therefore I can only repeat, that, if private enterprise fail to complete these works, the duty will devolve on the Government to propose that which they think would be most conducive to the interests of Ireland.

Mr. WYSE. — I rejoice that the motion has been submitted to the House by my Honourable Friend, because it has elicited from the Noble Lord a more satisfactory explanation than he gave on the

proprietors, only; in the other, it is from the whole community. Perhaps some persons may be withheld from countenancing Government interference, by the idea that the railways, when made, are to be worked by Government as carriers: but this by no means follows; and, indeed, it would, in my opinion, be not only unnecessary, but injudicious. In a short time there will be—in fact, even now there are—individuals capable of undertaking, by contract, the whole working of a railway; and such persons would perform the work far better than either Government or a joint stock compa
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BLE MEMBER.—I move
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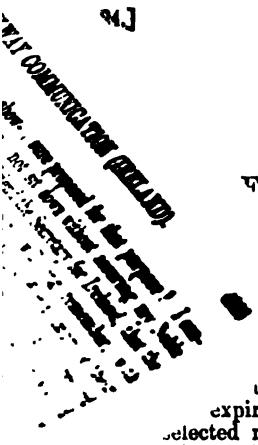

ᵀ COMMONS, MERCURII, 24° DIE JULII, 1839.

ᵀNESS.

Exten-
way Bill.—
ᵴe met according
twelve o'clock this
expiration of the hour a
ᵴelected members not being
and the chairman (who was one
ᵴe selected members) having sent a
ᵴetter to the committee stating his inability to attend this day, the committee proceeded to elect a temporary chairman for the purpose of adjourning the committee till twelve o'clock to-morrow, and directed him to report to the House the circumstances of the case.

Ordered, That the committee do sit and proceed to-morrow, pursuant to the said adjournment.

Bury (Lancaster) Small Debts (No. 2.) Bill. — Reported; to be ingrossed.

Halifax, Huddersfield, and Bradford Small Debts Bill. — Committee appointed, "to inspect the Journals of the House of Lords, with relation to any proceedings upon the Halifax, Huddersfield, and Bradford Small Debts Bill, and to make report thereof to the House:"—Mr. Charles Wood, Mr. Protheroe, Lord Viscount Morpeth, Sir George Strickland, Mr. Lascelles, Mr. Freshfield, and Mr. Finch: three to be the quorum.

Russell's Estate Bill. — Read a first time; to be read a second time.

Highways and Turnpike Roads Returns Bill. — Read a first time; to be read a second time to-morrow, and to be printed.

Highways (No. 2.) Bill.—Read a third time, and passed, with amendments.

Belfast Water (No. 1.) Bill. — House informed, that James Boyle, Esquire, attended the committee this day; order for his attendance on the House discharged.

Private Bills. — On the motion of Mr. ESTCOURT, Return ordered —

Of the Private Bills presented during the present Session; showing the progress they have made, and the manner in which the committees to which they have been severally referred have been constituted.

PUBLIC BUSINESS.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Postage, — By SIR C. B. VERE, for a low and uniform rate, — from Southwold; and James O'Connor.

By Mr. W. ROCHE, — from Limerick, against the use of stamped covers or envelopes.

Excise Licences (Sale of Spirits) Bill, — By Mr. HAWES, — of the chairman of a meeting of the committee of licensed retail wine and spirit dealers of the metropolis, against.

Collection of Rates Bill, — By Mr. CLAY, — from the parish of Holy Trinity, Minories, London, against.

Birmingham Riots, — By Mr. BANNERMAN, — of the president of the Aberdeen Artisan Association, for inquiry.

Universal Suffrage, &c., — By Mr. FIELDEN, — of special constables of Colne, for the adoption of universal suffrage, annual Parliaments, vote by ballot, and the abolition of the property qualification of Members. — To be printed.

RETURNS, &c.

Slave Trade. — On the motion of Dr. LUSHINGTON, Address for —

Copies or extracts from the papers taken on board the Veloz, as to the slave trade.

Unlawful Meetings. — On the motion of Mr. FOX MAULE, Address for —

Copy of a letter addressed by Colonel Rolleston to the Secretary of State for the Home Department, dated the 29th day of May, 1839.

Corporation of London. — Accounts presented — of sums raised under Acts 10 Geo. IV. c. 136., 11 Geo. IV. c. 64., &c., and of the application thereof (ordered the 10th of July). — To lie on the table.

FACTORIES BILL.

LORD ASHLEY. — I beg to know from the Honourable Member for Elgin, whether or not it be his intention to go with the Factories Bill to-morrow?

Mr. FOX MAULE. — As the discussion on the Bank of Ireland question will occupy some considerable time, I do not think I shall be able to bring it on to-morrow.

LORD ASHLEY. — As I understand it is the intention of the Honourable Member to strike out the clause which was carried on my motion, extending the operation of the Bill to children employed in silk factories, I beg to give the Honourable Member notice that I shall oppose the Bill in every stage, and resort to every legitimate means, which shall be consistent with the rules of the House, to thwart the Honourable Member.

Mr. FOX MAULE. — I am not surprised at the determination of the Noble Lord, and I will not say whether that determination is right or wrong. My object in striking out the clause simply is, — that I see no other way of getting the Bill for the regulation of cotton factories, through, this Session. I, however, intend, next Session, to bring forward a measure for the regulation of the silk factories.

Mr. FIELDEN. — I wish to know when the new clauses to be introduced in the Factory Bill will be in the hands of Members?

Mr. FOX MAULE. — I cannot say, exactly. They are now being printed, and shall be delivered as soon as possible.

WARWICK GAOL.

SIR EARDLEY WILMOT. — I wish to put a question to the Honourable Member the Under Secretary for the Home Department. It will be remembered that I volunteered that an inquiry should be instituted into the allegations contained in the petition of the two individuals complaining of ill-treatment in Warwick gaol. That inquiry has taken place; and the report of the visiting justices, together with the evidence, have been sent to me, and I have forwarded both to the Home Office. I beg to ask the Honourable Member whether he has any objection to lay them on the table of the House?

Mr. FOX MAULE. — I have no objection to their production, if the Honourable Member will move for them.

SIR E. WILMOT. — Then, Sir, I move an Address for "Copy of Report of the visiting magistrates of Warwick gaol, on the allegations in the petition of Messrs. Lovett and Collins; and also the evidence on which the Report was founded."

Agreed to.

ROYAL ACADEMY.

Mr. HUME. — I wish to renew a dropped notice of last night. I therefore give notice that, on Tuesday next, I shall move that the order of the 14th of March, for Returns from the Royal Academy, be made forthwith.

SIR R. H. INGLIS. — On the same day I shall move, as an amendment, that the said order be discharged.

SOAP DUTIES.

Acts (10 Anne, c. 19., 24 Geo. III. c. 48.) read.

The CHANCELLOR of the EXCHEQUER. — I believe the House will have no objection to give me leave to bring in a Bill for the purpose of removing doubts as to the mode of charging the duty of Excise on hard soap, which was amongst the dropped notices of the last night. The principal object of introducing this Bill is to remove a legal doubt as to the mode of taking the duties on soap. The subject matter of the Bill has been proposed by the Board of Excise, and assented to by the whole of the soap trade. The necessity for its introduction has arisen in this way: — For the last century and a half the soap duties have been ascertained by measure or gauge. A doubt has recently been suggested, as to whether it is not necessary, according to law, to take it by weight. The result of this would be the abandonment of a system which has been long familiar to the trade, and to substitute in its place a novel and ex-

tremely inconvenient mode of ascertaining these duties. The object of the Bill is heartily approved of by all the parties concerned. The Bill has also reference to a newly introduced mode of making soap, by which it is much heavier; and, therefore, requires a different mode of ascertaining the drawback.

Bill ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. BARING.

SUPPLY.

Resolution reported:—

1. That a sum, not exceeding 84,066*l.*, be granted to her Majesty, to defray, to the 31st day of March, 1840, the expense of works and repairs of public buildings, and for furniture, and for certain charges for lighting and watching, and for rates and taxes; also, for the maintenance and repairs of royal palaces and works in the royal gardens, heretofore charged upon the Civil List.

THE ROYAL ACADEMY.

Mr. HUME.—This vote contains an item for the maintenance of the Royal Academy. As it is very probable that I may not be afforded the opportunity of bringing on my motion upon this subject next Tuesday, I beg to impress upon her Majesty's Ministers the importance of considering whether the half of a public edifice now occupied by the Royal Academy should still be permitted to continue in the possession of a body which refuses to submit to the House any account of the mode in which they dispose of the moneys received by them? Every public body, and every individual, in this country, who have hitherto received any portion of the public money, have, without hesitation, rendered an account of its distribution. I have heard that a legal opinion has been given, to the effect that, to occupy a public building of the value of 3000*l.* or upwards, is not receiving assistance from the public; and that it is upon the ground of this very strange opinion, that the Royal Academicians refuse to comply with the order of the House. I mention these matters, in order that, before I submit my motion upon Tuesday next, her Majesty's Ministers may have an opportunity of considering whether this body, which is stated to have funds to the amount of 50,000*l.* in hand, should not be compelled to render an account of the mode in which they administer those funds? I submit that the entire of the building in Trafalgar Square is required for the very useful purposes of the National Gallery; and, for my part, I cannot see the shadow of a reason to justify a public body, occupying a portion of a public building, in declining to give any account whatever of their expenditure. Before the Royal Academicians were permitted to occupy this building, the Chancellor of the Exchequer, in reply to a question from the Honourable Member for Bridport, stated that they should, of course, give up possession the moment the exigencies of the public service required it; and that they had no right whatever to occupy these premises for one moment longer than was consistent with the public convenience. The Society of British Artists,—a body of men who are altogether excluded by the Royal Academicians—presented a petition praying her Majesty's Ministers not to permit the removal of the Royal Academy to its present locality, inasmuch as they (the British Artists) occupied premises in its immediate neighbourhood, for which they had paid the sum of 7000*l.* They are still under a heavy rent for those premises, which they endeavour to pay through the means of an annual exhibition; and the result of the removal of the Royal Academy to their immediate vicinity has been (as they anticipated) their utter ruin. I never can approve of the House exhibiting partiality and undue favour towards one class over any other in the community. The Royal Academicians are bound to show what benefit the public has derived from this exclusive privilege, and by what right they refuse compliance with the orders of this House, and exhibit so improper an imitation of Stockdale's example. The public have paid 43,000*l.* for that portion of the building in Trafalgar Square, which is occupied by the Royal Academy; and surely the public ought to receive some return for the accommodation thus afforded. It is my anxious desire to remove from England the reproach with which she has too long been stigmatised,—that she possesses no real taste for the fine arts. The real fact is, that the public, generally, are excluded by the monopoly enjoyed by the Royal Academy. Take away the monopoly, and (as has been already proved) the public will repair in crowds to every exhibition of the fine arts. Look at the crowds of satisfied visitors which constantly fill the National Gallery; or look at Hampton Court,—the number of persons who visited it, during the last month, amounted to 18,000. No less than 300 visitors have repaired to it in one day, since it has been thrown open to the public. If the same system were universally

adopted, I have no hesitation in saying that the public taste would become greatly improved, and all grounds for the existing reproach removed.

LORD JOHN RUSSELL. — The Honourable Member has brought forward this subject without any expectation whatever, on my part, of his doing so. The Honourable Baronet (Sir R. Inglis), who has undertaken to state the case of the Royal Academy, and the reasons by which they are actuated, being absent from the House, I do not feel myself in a position to offer, at present, any opinion upon the subject; and I trust that the House will reserve their opinion until they shall have had an opportunity of hearing the Honourable Baronet. There is one statement of the Honourable Gentleman, which, however, I feel bound to notice. I understand the petition of the Royal Academicians in quite a different sense from that which is affixed to it by the Honourable Member. The Honourable Gentleman affirms that they have refused to give any information to the House. Now, it appears to me that there are two very different courses which may be taken in a matter like this. One of those courses is to refuse the Returns altogether; the second, respectfully to submit whether the House would call on them for these Returns, in consideration of the following circumstances, as stated in the petition:—

That information, in the most ample details, has been supplied by the Academy, in various Returns furnished to the Secretary of State for the Home Department, for the purpose of being laid before your Honourable House, and also in the copious evidence given by the President and officers of the Academy before the Parliamentary Committee on the Fine Arts. By these means the institution, through all its functions, educational and financial, has been unreservedly laid open to general inspection, and submitted to an investigation as rigorous as the most active spirit of scrutiny could devise or direct. Fully confiding, therefore, in the wisdom and justice of your Honourable House, your petitioners most respectfully express their hope and trust, that, in consideration of the statements herein set forth, your Honourable House will be pleased to rescind the order of the 14th of March last.

Mr. ESTCOURT. — I feel that the statement of the Honourable Member for Kilkenny has already been very completely answered. Of that statement, much has been most unfairly put by the Honourable Member,— more particularly that portion of it which had reference to the Royal Academy. That Academy, when first established, was provided with apartments, by the bounty of George III., in Somerset House. Upon being removed from that locality, for the special purpose of giving accommodation to the public, at the instance of Government, they were placed in apartments far less convenient. There is no private interest whatever benefited by the proceedings of the Royal Academy, which are solely directed to the object of promoting the arts, in which they have not been surpassed (I doubt whether they have been equalled), in any country or age, by any set of individuals. When my Honourable Colleague (Sir R. Inglis) shall have an opportunity of meeting face to face the opponents of the Royal Academy, I feel convinced that that Honourable Baronet will prove to the House that the production of these accounts would be most unfair to the Royal Academy itself, and ultimately most disadvantageous to the arts in this country.

Mr. HUME. — The Noble Lord has altogether misunderstood my observations. I have not, now, applied myself to the subject of the expenditure of the Royal Academy. What I ask is, that her Majesty's Government will adopt means to turn that exclusive body out, in order to give accommodation to the public in the National Gallery.

[Laughter.]

The other portion of the subject will come on for discussion on Tuesday next,— upon which I shall make no observation at present.

The CHANCELLOR of the EXCHEQUER. — Although the Honourable Gentleman says that he does not desire, upon the present occasion, to discuss the conduct of the Royal Academy, he has still very readily come to the conclusion that they are in the wrong. If any emergency existed in this case, I would be quite ready to anticipate the discussion of Tuesday next; but I do not believe that there does. I am of opinion, that some misconception exists upon the part of the Royal Academy, with regard to their rights in this matter. I cannot admit that this transfer has been disadvantageous to the Royal Academy. The case is simply this: — They were in possession of apartments at Somerset House, — but only by the consent of the Crown, without any right of property. The Crown had indisputably the full right to state that it required the entire of Somerset House for the public service, and could have deprived the Royal Academicians of possession at a moment's notice. I am far from saying, at the same time, that it would have been expedient to do so. I

am only dealing, now, with the rights of the parties. The apartments which they now hold in Trafalgar Square, they hold under the Government by exactly the same as—and no better title than—that by which they held their rooms in Somerset House. I find this admitted in their petition. They state that they consider the fact of their having been in occupation, for so long a period, of Somerset House, to have given them a moral, if not a legal, right. Now, if I were to admit that this species of moral right establishes anything whatever like a legal right, I should be admitting a principle which would be found to be most inconvenient in practice. There are many other bodies, besides the Royal Academy, to whom the use of apartments belonging to the public in Somerset House has been conceded. The Royal, the Geological, and the Astronomical Societies, and other learned bodies, occupy rooms there at the present moment; but I should be sorry to give it as my opinion, that the public has not a right to resume the possession of those apartments, whenever it may think proper to do so. The mode of exercising this right, of course, will be a matter for consideration and arrangement; but, to the right itself, I lay claim, on the part of the public. Now, the Honourable Gentleman the Member for Kilkenny thinks it expedient for the public, at once, to assert this right, with respect to the National Gallery; but, in that, I cannot agree with the Honourable Member. There is, already, in the part of the building appropriated to the public collection of pictures, not only sufficient room for that collection, but for many more paintings besides, if they should be purchased by the public, or given by private munificence. There is, therefore, no reason for dispossessing the Royal Academy upon that ground; and I hope that, on Tuesday, the other questions will be fully discussed and decided upon.

2. That a sum, not exceeding 10,000*l.*, be granted to her Majesty, to defray the expense of works and repairs at the harbour of Kingstown, to the 31st day of March, 1840.

3. That a sum, not exceeding 16,500*l.*, be granted to her Majesty, to defray the expense of the improvement of the Holyhead and Liverpool Roads, Holyhead Harbour, and of repairs to the Menai Bridge, to the 31st day of March, 1840.

4. That a sum, not exceeding 11,250*l.*, be granted to her Majesty, to defray the charge of works and fittings at the new buildings at the British Museum, to the 31st day of March, 1840.

5. That a sum, not exceeding 6938*l.*, be granted to her Majesty, to defray the expense of providing temporary accommodation for the Houses of Parliament, committee rooms, offices, and temporary official residences for the Speaker of the House of Commons, and other officers of that House, to the 31st day of March, 1840.

6. That a sum, not exceeding 50,300*l.*, be granted to her Majesty, to defray, to the 31st day of March, 1840, the expense of the works at the new Houses of Parliament.

7. That a sum, not exceeding 1110*l.*, be granted to her Majesty, to defray the expense of alterations at the General Penitentiary, Millbank, to prepare the building for the reception of an additional number of prisoners.

CONFINEMENT OF SOLDIERS.

Mr. HUME.—Power having been given to the Secretary of State to send soldiers guilty of offences to the Penitentiary, instead of to common prisons, I wish to know what number are now confined there?

LORD JOHN RUSSELL.—I have not the Report before me, but I believe that the number is from 90 to 100.

8. That a sum, not exceeding 4180*l.*, be granted to her Majesty, to complete the building, alteration, and fitting of the prison for juvenile offenders at Parkhurst, in the Isle of Wight.

9. That a sum, not exceeding 8000*l.*, be granted to her Majesty, to defray the expense of the new Post Office at Glasgow.

10. That a sum, not exceeding 2500*l.*, be granted to her Majesty, to pay the salaries and expenses incurred by the Ecclesiastical Commissioners for England, to the 31st day of March, 1840.

11. That a sum, not exceeding 64,850*l.*, be granted to her Majesty, to defray, in the year 1839, the charge of salaries and expenses of the commissioners for carrying into execution the Act for the Amendment of the Laws relating to the Poor in England and Wales, and the Act for the Relief of the Destitute Poor in Ireland.

POOR LAW COMMISSION CONTINUANCE BILL.

LORD GRANVILLE SOMERSET.—I beg to ask the Noble Lord the Secretary of State for the Home Department, when the clause will be ready, which he has declared his intention to introduce in the Poor Law Commission Continuance Bill, in consequence of the debate of last Saturday? and whether it will extend to widows as well as to able-bodied labourers?

LORD JOHN RUSSELL.—The clause will include widows as well as able-bodied labourers. A clause has been already drawn; but, as it does not appear to me adapted to answer the object in view, I have directed a new one to be

framed — which I hope to have ready by to-morrow, and to bring on for discussion on Friday.

Mr. JOHN FIELDEN. — I want to know, before we give 64,000*l.* for the Poor Law Commission, whether the Noble Lord will grant a committee to inquire into the statements of the petition which I presented on the 17th instant, from Hannah Imgray, against the Earl of Hardwicke, and the guardians of the Caxton and Arrington union. Those statements have harrowed my feelings, to which I should be doing injustice if I did not raise the question at the earliest moment. I was sorry to learn that the Noble Lord, yesterday, denied the Honourable Member for Cambridgeshire an opportunity of investigating the matter.

LORD JOHN RUSSELL. — I have already said, in answer to the Honourable Member for Cambridgeshire, that statements of a different nature have been transmitted to me, with respect to the alleged facts. If the House be of opinion that the case requires a committee of inquiry, I shall not object to it in the next Session. But I do not think, in the present state of the House, that a committee would be likely to be able to bring its labours to a conclusion. I am not, therefore, disposed to consent to a committee at present.

Mr. FIELDEN. — The inquiry will not occupy a long time. The husband of the woman from whom the petition comes has been imprisoned as a rogue and vagabond; his family are starving; and yet the Noble Lord talks of putting off inquiry to another Session. That is not a fair or a just way to treat the sufferings of the people.

[Cries of "Order!"]

Mr. SPEAKER. — The Honourable Gentleman is undoubtedly out of order. Having spoken once, he is not entitled to speak a second time.

Mr. DENISON. — I think the Honourable Member for Oldham would do well to take more pains to assure himself, previously, of the truth of the statements of petitions which he presents. The Honourable Member presented one on a former occasion — with respect to which I have received a letter from a gentleman of the highest character, talent, and respectability, a magistrate of the county which I represent, and whom I hope some day to have the pleasure of seeing in this House. The writer states, that, among the petitions presented by the Honourable Member for Oldham, respecting the Poor Law, was one from eighty-three mechanics and labourers of the parish of Seale; and that, having made inquiries respecting it, he had been informed that the petition was got up by a person who had lately avowed Chartist principles. That petition set forth, that the misery and crimes of the mechanics and labourers were to be attributed, not to any malevolence on their part, but to the distress caused by the New Poor Law. Now, the fact is, as stated by this Gentleman, that the parish in question is not subject to the New Poor Law,—Gilbert's Act being still in force there. The writer goes on to say, that he never knew or experienced less crime or more employment in the parish, than at present; and that the person who got up the petition was a paid guardian under Gilbert's Act, and therefore felt a natural horror of the repeal of Gilbert's Act,—which would deprive him of his place.

Mr. FIELDEN. — I will take another opportunity of making my observations upon that statement.

Mr. LIDDELL. — I must regret the absence of the Honourable Member for Cambridgeshire on this occasion, as the statements of the petition presented by the Honourable Member for Oldham, from Caxton, reflect on the conduct of a noble relative of mine, who, I will say, is utterly incapable of harshness to any one, and who is most anxious that every part of his conduct should be investigated. I am sorry that the reason mentioned by the Noble Lord the Secretary for the Home Department will prevent an inquiry from taking place now; and I only implore the House to suspend its judgment upon the conduct of the Noble Earl, until an investigation can take place, and which cannot but redound to his honour.

12. That a sum, not exceeding 14,700*l.*, be granted to her Majesty, to pay, to the 31st day of March, 1840, the salaries and incidental expenses of the commissions appointed on the part of her Majesty, under the treaties with foreign powers for preventing the illegal traffic in slaves.

CAPTURE OF SLAVERS.

CAPTAIN PECHELL. — I beg to know whether the Government have taken any step to provide information

with regard to the tonnage of slave vessels condemned since the treaty with Spain has come into operation? Many of those vessels were broken up prior to the Act of last Session; and when the captors of some of them applied for their part of the bounty, the answer given was — that they must bring proof of the tonnage of the vessels. I want to know whether the Government will afford the means of ascertaining the amount of tonnage?

The CHANCELLOR of the EXCHEQUER. — I have no difficulty in stating, that if any public documents can be at all available to the parties having claims to the bounty, the Government will feel itself bound to give access to them, as well as to any other information in their power. The whole question is under consideration, and I am in communication with the Board of Admiralty on the subject. The present system of measurement was adopted after full consultation with naval authorities; but it has certainly been found objectionable in its working, and requires reconsideration.

CAPTAIN PECHELL. — For myself, and on the part of naval officers generally, I beg to say I am quite satisfied with the answer of the Right Honourable Gentleman.

POOR LAW AMENDMENT ACT.

Mr. FIELDEN. — I now beg leave, in explanation of what I have said with regard to the Caxton and Arrington union, to read an extract from the letter which has been written to the Noble Lord the Secretary for the Home Department, by the Rev. J. Russell, the vicar of Caxton, and which is dated the 24th of January, 1839: —

> I have adduced an instance, in this union, of a poor woman being suffered to lie ill of a complaint which terminated in her death; the medical officer of her parish not being allowed, for some days, to give her the benefit of his attendance, until the officiating minister came to the board, and plainly told them that the guilt of murder must, morally, lie at the door of their regulations. Has your Lordship said one word of disapprobation of such a course as this? . . . . I adduced one instance of similar cruelty in a case occurring in my own parish. Surely, my Lord, if justice is your object, you will not countenance such atrocities, and be easily satisfied with the partial statements of those unscrupulous offenders, whose rank and position in society can only render their overbearing and illegal tyranny more disgusting.

I have only to say, that I believe all the statements of the petition I have presented, and I hope that a committee will be appointed to investigate them.

The CHANCELLOR of the EXCHEQUER. — I cannot allow this subject to pass, without saying a word on the subject, in my capacity of Member for the town of Cambridge. Although not connected by property with that neighbourhood, I have sufficient local knowledge to enable me to corroborate what has been stated by the Honourable Gentleman opposite (Mr. Liddell). I believe that there is no individual in that neighbourhood, whose evidence or statements are worthy the consideration of the House, who is not ready to bear testimony to the impartial conduct of Lord Hardwicke, as chairman of the board of guardians. The friends of the Noble Lord may rely, simply, on the notoriety of his character, as a sufficient vindication from any charges of improper conduct. I do not know whether the letter from the vicar of Caxton, read by the Honourable Member for Oldham, has anything to do with the Rev. Mr. Maberly, — with whom the Honourable Member seems to have had communication. If it have, I believe that no one who has seen the proceedings of that reverend gentleman, — who has observed the pains he has taken to excite riot and confusion, totally forgetful, I must say, of all that is due to his character as a clergyman and a member of society, — can think that charges coming from such a source, against a nobleman of Lord Hardwicke's character, are at all deserving of notice.

SIR C. DOUGLAS. — Sir, I really do not think it fair, on the part of the Honourable Member for Oldham, to make the statements he has made, in the absence of the Honourable Member for Cambridge, who has repeatedly expressed so decided and anxious a wish for a select committee to inquire into the truth of those statements. If it be true, as I understand it is, that the Honourable Member had had the petition which he presented on the 17th, in his possession for two months previously, it is clear that the Honourable Member acted, throughout, most unfairly.

Mr. FIELDEN. — Sir, I stated, at the time, that the petition had been in my possession for some months. But I also stated, that the person who sent it to me had left it discretionary with me to present it then, or whenever the question of the Poor Law should come regularly before the House. I have chosen the latter course, as

the more regular one. The name of the Rev. Mr. Maberly having been mentioned, I beg to say, that I have also received a petition of a similar nature from the Rev. J. Russell, vicar of Caxton.

LORD J. RUSSELL. — Sir, with regard to the complaints contained in the letter which has been read by the Honourable Member for Oldham, I directed — although there did not seem to me to be any cruelty in the case, — an inquiry to be made by the assistant commissioner; the result of which was, that I found there was no foundation for those complaints. With respect to the case in the petition which the Honourable Member for Oldham has had in his possession for some months, I own that one of the reasons which weighed with me in refusing the committee was, that, if I had granted it, and the Honourable Member had been placed upon it, as he requested to be, I apprehended that the Honourable Member would have prolonged the examination of witnesses who were to substantiate the charges contained in the petition until the end of the Session, when it would have been too late to take evidence on the other side.

Mr. DARBY. — My Honourable Friend (Mr. Yorke) stated in the House, that if the House were not satisfied with his Noble relative's conduct, he would vote for the appointment of a committee. I do not know whether the Honourable Member for Oldham expressed himself satisfied at the time; but I am perfectly satisfied that, so far as the Noble Lord implicated was concerned, he was most anxious for immediate and complete inquiry.

Mr. BERNAL. — I can also bear testimony to the Noble Lord's anxiety for inquiry. He privately expressed to me his great anxiety to have a committee of inquiry upon the subject; and also expressed a hope, that, should it be granted, Members would be selected who were opposed to the Poor Law Amendment Act.

Mr. FIELDEN. — Sir, what I stated on a former occasion was, that if a committee were appointed, as I hoped it would be, and that the statements in the petition should be disproved, no one would rejoice at that result more than myself.

LORD GRANVILLE SOMERSET. — In confirmation of what has been stated by the Honourable Member for Rochester, I beg to say that, in the list of the committee which my Honourable Friend the Member for Cambridge prepared, were the names of the Honourable Member for Oldham, and other Gentlemen opposed to the Poor Law Amendment Act. I rise, however, for the purpose of putting a question to the Government respecting the liberation of the unfortunate slaves by the captors of slave vessels on the coast of Brazil, and the way in which they are afterwards disposed of. It is stated in the newspapers, that when they are landed in Brazil, by the captors of slave vessels upon that coast, they are apprenticed under certain regulations, as a means of disposing of them! I cannot conceive anything more likely to lead to abuse than that mode of proceeding. It is, in fact, another mode of continuing as slaves, persons for whose release from the slave masters we are paying large sums of money. I hope the Noble Lord and the Government will think it right to interfere to prevent the continuance of this practice.

Mr. LABOUCHERE. — Representations have been made to the Government on the subject, which prove that the utmost vigilance is necessary to prevent the evil referred to by the Noble Lord. I can only say that communications are now passing, both with the Colonial and Foreign Office, on the subject, and no exertions on the part of the Government shall be wanting to effect the object which all here, I am sure, have in common.

LORD GRANVILLE SOMERSET. — I beg to know whether I am to understand that what I have stated is the fact?

Mr. LABOUCHERE. — Sir, I am afraid, from representations which have been made to the Colonial Office, that it is highly probable that, in some instances, such has been the case with these slaves.

EXPENSES OF FACTORY INSPECTORS.

13. That a sum, not exceeding 8850*l.*, be granted to her Majesty, to defray the salaries and expenses of the inspectors and superintendents of factories, to the 31st day of March, 1840.

14. That a sum, not exceeding 5600*l.*, be granted to her Majesty, to defray the salaries and expenses of the inspectors of prisons, to the 31st day of March, 1840.

Mr. HUME. — I wish to know whether the inspectors of prisons are authorised to examine the rules and regulations of them? because, if so, I cannot suppose that the inspector of the Warwick gaol could have silently passed over the case of Mr. Lovett.

LORD JOHN RUSSELL. — Sir, with respect to Warwick gaol, I think it better for the Honourable Member to reserve that question until it comes regularly before the House upon the petition of Mr. Lovett. As regards gaols in general, it is the duty of the magistrates to send their rules and regulations to the Secretary of State once a-year; and I always refer them, not to the inspectors of the particular districts, but to the home inspectors, Messrs. Crawford and Russell.

15. That a sum, not exceeding 51,175*l.*, be granted to her Majesty, to defray the expenditure of the several branches of the Mint, to the 31st day of March, 1840.

16. That a sum, not exceeding 8500*l.*, be granted to her Majesty, to enable her to grant relief, to the 31st day of March, 1840, to Toulonese and Corsican emigrants, Dutch naval officers, St. Domingo sufferers, American loyalists, and others who have heretofore received allowances from her Majesty, and who, for services performed, or losses sustained, in the British service, have special claims on her Majesty's justice and liberality.

17. That a sum, not exceeding 1850*l.*, be granted to her Majesty, to defray the expense of the National Vaccine Establishment, for the year 1839.

18. That a sum, not exceeding 4000*l.*, be granted to her Majesty, towards the support of the institution called "The Refuge for the Destitute," for the year 1839.

19. That a sum, not exceeding 3073*l.*, be granted to her Majesty, to defray the expense of confining and maintaining criminal lunatics in the buildings attached to Bethlem Hospital, to the 31st day of March, 1840.

20. That a sum, not exceeding 4200*l.*, be granted to her Majesty, to pay, to the 31st day of March, 1840, the usual allowances to Protestant dissenting ministers in England, poor French refugee clergy, poor French refugee laity, and sundry small charitable and other allowances to the poor of St. Martin's in the Fields, and others.

Resolutions agreed to.

BUSINESS OF THE HOUSE.

LORD JOHN RUSSELL. — Sir, I think I had better take this opportunity of stating, that, as there is scarcely any private business before the House, it might be well if the public business were to commence immediately after the presentation of petitions. Honourable Members will, then, come down sooner, and there will not be so much difficulty in making a House.

SIR F. BURDETT. — I beg to know from the Noble Lord, when the list of Birmingham magistrates, which the Noble Lord has promised, will be laid on the table of the House? I think that, notwithstanding the late period of the Session, some inquiry must take place.

LORD JOHN RUSSELL. — No papers have yet been received; but I have sent to the Lord Chancellor, requesting him to direct the list to be made out: as soon as that shall be done, I will produce it.

Dr. LUSHINGTON. — Before the Order is read, I beg to know from the Under Secretary for the Colonies, whether any despatches have been received from the Island of Mauritius, giving an authentic account of that colony having been actually emancipated?—whether such emancipation has taken place peaceably and tranquilly? — and, further, whether any of the Orders in Council have been carried into effect? and if so, whether beneficially, or not?

Mr. LABOUCHERE. — The last despatch which has been received from the Governor of the Mauritius is dated the 2d of April; and it states that, on the 31st of March, — two days previous, — the final and complete emancipation of the apprenticed labourers had taken place. As only two days had elapsed, the Governor was unable to give much information as to the effect of that measure; but, as regarded those two days, the effect had been, upon the whole, of a satisfactory nature; those days having passed off quite peaceably, although some disposition had been manifested on the part of the negroes to leave the estates on which they were located. With regard to the Orders in Council relating to the subjects of marriage, vagrancy, the unauthorised occupation of land, and contracts for labour, I have to state that they were promulgated upon the 15th of March; but so short a time has elapsed since then, that no information has been received from the Governor as to the effect of those Orders. I believe I may anticipate that they will produce the same good effect they have already produced in those parts of our West India colonies in which they have become law.

Mr. BROWNRIGG.—Sir, I beg to state that I possess information dated a fortnight after the promulgation of the Order referred to, communicated from an intelligent person charged with some extensive estates in the Island of Mauritius, who states that, on the particular estates with which he is connected, the change had taken place in the most peaceable manner, and that a stranger visiting the place would not be aware that any such change had really occurred. He further adds, that, although

there had been some cases in which the negroes had left the estates, he attributed that fact to circumstances of a local nature,—namely, to the fact that on those estates there was not, as on others, a sufficiency of wood and water. He attributed the cheerful conduct of the negroes on his estate to the fact, that he had only asked them to take engagements from month to month, and not for long periods, which they regarded as tantamountt o slavery; and, feeling that they were at liberty to leave the place at the end of each month, they made their engagements upon most reasonable terms, and upon a scale which he believed would prove beneficial to the proprietors.

SIR J. GRAHAM. — This subject brings to my recollection the melancholy question of the Hill Coolies. I wish to know whether the statements which have appeared in the papers, of the disastrous mortality amongst the Hill Coolies, in Demerara, are true or not? and, if true, whether any steps have been taken by her Majesty's Government upon the subject of releasing those unhappy persons from their contracts? Also, whether any information has been received from the Mauritius, respecting any provision made for the Hill Coolies in that island?

Mr. LABOUCHERE. — I am happy to say, in reply to the last question of the Right Honourable Gentleman, that the accounts received from the Mauritius on that subject have been, so far as they go, extremely favourable. With regard to the reports in the newspapers, respecting the state of the Hill Coolies of Demerara, to which the Right Honourable Gentleman more particularly referred, no positive information has been received. At the same time, I am bound to say, with regard to the estate of Bellevue, that accounts had previously been received at the Colonial Office, to the effect that, on that particular estate, the improper conduct of the medical attendant had led to considerable mortality; and that he had been dismissed the moment it was discovered. There is, at present, ample information before the Colonial Office, which I am most desirous to lay before the House. I have collected the papers this morning, and will lay them before the House as soon as possible. Before I do so, I do not think it would be advisable to state their contents. I apprehend that, while, on the one hand, the disease and mortality amongst the Hill Coolies of Demerara have been very much exaggerated, on the other, abundant proof has reached the Colonial Office, that too much vigilance cannot be exercised, to prevent the cruelties and hardships to which they are subjected. I also feel bound to state, that the information received at the Colonial Office fully shows that the Governor has not been wanting in his duty, but that, on the contrary, he has evinced great anxiety to protect that particular class of persons.

Mr. WAKLEY. — Sir, the Right Honourable Gentleman has omitted to ask whether any steps have been taken to prevent the further importation of Hill Coolies into Demerara? It is easy to find a scapegoat in a medical man; but the question is, whether the practice is to be prevented, or not?

Mr. LABOUCHERE. — My Right Honourable Friend did not put that question, because he is too well acquainted with the real facts of the case. It is already known, that, last year, by an Order in Council, all further importation of Hill Coolies was prohibited; and I believe that that Order has been strictly enforced.

Mr. GORDON. — I can state that the Order has been most strictly enforced; and that, since it issued, no Hill Coolies have been allowed to be imported into any of our West Indian colonies.

SIR J. GRAHAM. — I am glad that the Right Honourable Gentleman has been able to give so satisfactory an account of the condition of the Hill Coolies of the Mauritius. I regret that he could not do so in the case of Demerara; and I hope that, even at an expense to this country, these unhappy people will be released from their contracts. I trust the recess will not be suffered to intervene until something be done in the matter; and that, if those papers, to which the Right Honourable Gentleman has referred, support their case, the Government will, for the cause of humanity, the honour of this country, and, above all, for the relief of those unhappy people, make arrangements for sending them back to their native country. The means for doing this will, I am sure, be readily afforded by Parliament.

Mr. LABOUCHERE. — Sir, supposing I entirely agreed with my Right Honourable Friend, — against which supposition I wish to guard myself, — I would beg of the House to suspend their judgment until those papers shall have been laid before the House.

ECCLESIASTICAL DISTRICTS BILL.

Considered in committee; to be reported to-morrow.

SPIRIT LICENCES (IRELAND) BILL.

Second reading deferred till Friday.

SOLDIERS' PENSIONS BILL.

SIR H. PARNELL. — I beg leave to move the further consideration of the Report on the Soldiers' Pensions Bill.

CAPTAIN BOLDERO. — I hope that the Government will not, now, press that measure. My reason for expressing this hope is, the intention we have, this evening, heard stated by the Noble Lord. The Noble Lord has declared it to be his intention to introduce into the Poor Law Continuance Bill, a clause providing for the relief of the children of able-bodied labourers and widows. I trust the Noble Lord does not intend to make such a difference between the able-bodied labourer and the poor pensioner, — out of whom all the work has been taken by his country,— as to support the children of the former, while the pension of the latter, seldom more than 7*s.* a-week, must be assigned for his children.

SIR HENRY PARNELL. — This Bill makes no alteration in the law as it at present stands. Its only object is, to prevent fraud being practised on the pensioners.

Mr. WAKLEY. — Sir, the Gallant Captain has truly stated that the pensioner earns his pension, and that the present is a proposition to take that pension from him, should any of his family seek relief in the workhouse. I wish, while this subject is under discussion, to call the attention of the Honourable Baronet to the subject of the quarterly payment of pensions. I have made inquiry since the last discussion, and have understood that the evils arising from the present system are of enormous magnitude.

COLONEL WOOD. — I beg to say that I by no means concur with the promoters of the Bill. I think it a most unfair enactment; and that care should be taken to provide for the old soldier those comforts, which custom has rendered indispensable to him.

The CHANCELLOR of the EXCHEQUER. — Sir, the object of the measure is to protect, not to injure, the pensioner; it is to prevent his assigning his pension to usurious tradespeople, and to limit such assignments to responsible public officers. The power to assign to those officers previously existed; and the Bill before the House merely goes to limit their power to that class of assignment which is not likely to prove disadvantageous to the true interests of the pensioners themselves.

SIR C. B. VERE. — I think that, although the parishes might be permitted to receive the soldiers' pensions, they ought to give sufficient allowances in return, to enable pensioners to live comfortably.

Mr. HUME. — I have no hesitation in saying that I think the House ought to pass the Bill. The measure may appear hard at first; but I would ask any Honourable Member, is it his opinion that pensioner should be allowed to receive 6*l.* or 7*l.* at the quarter's end, to spend it, in a few days, in drunkenness and debauchery, and then to leave his family chargeable on the parish? That is the case which this Bill goes to provide for. In my opinion, a discretionary power should be left with the guardians; and as that is contained in the Bill, I think it will prevent great abuses.

COLONEL WOOD. — I do not deny that, in some cases, old soldiers are guilty of irregularities. All I wish is, that the guardians should have a discretionary power.

Mr. G. PALMER. — I agree with the Honourable Member for Finsbury, that, if a more frequent payment of pensions could be carried into effect, all abuses of this kind would be done away with.

Mr. WAKLEY. — What I complain of is, that the guardians, by the second clause, will have a right to demand the whole quarter's pension, if the soldier or any of his family have received parochial relief during any part of that term. There can be no doubt that the Bill has been suggested at Somerset House. The Poor Law Commissioners have been informed that assignments are made, and this Bill is introduced in order to give the guardians the power of overriding every other claim. According to this provision, whatever assignment may have been made, must be null and void,—for the guardians have the first claim. The Bill will operate, in this respect, most unjustly and oppressively.

A soldier, having earned a pension, is entitled to receive it,—not as a matter of benevolence, but as a right. The Poor Law Amendment Act has laid it down as a principle, that no question shall be raised as to the merits of the individual, but that destitution shall be the only recognised claim for relief. But what do we say now? We pass a law to punish what we call improvidence; destitution is no longer the test; if a man be destitute, he obtains relief, no doubt,—but we make him reimburse the parish. Considering that the law says, a man, being destitute, has a right to relief, and that a soldier has a right to his pension for services rendered to his country, such a Bill is most unjust, and will operate most cruelly with reference to soldiers.

Amendments agreed to; other amendments made; Bill to be read a third time to-morrow.

HIGHWAY RATES BILL.

On the motion of SIR C. BURRELL, "That the Speaker do leave the chair,"—

Mr. HAWES said:—I would ask, does the Honourable Baronet really mean to proceed with this Bill at the present advanced period of the Session? I shall certainly oppose it; but not being at present prepared, I must request the Honourable Baronet to postpone it.

SIR C. BURRELL. — It is not my fault that the Bill has not been discussed earlier in the Session, as I have been, for the last six weeks, watching every night for an opportunity to bring it on. It is one loudly called for by the present state of the highways.

Mr. P. HOWARD. — I can bear witness that this Bill is most imperatively called for.

CAPTAIN PECHELL. — I think this Bill has been brought on at too late a period. The last time it was discussed, I stated that I disapproved of it, and should endeavour to add a clause to it. However, I withdrew the clause, thinking it impossible the Bill could be proceeded with during the present Session.

Mr. GORDON. — I beg to suggest to my Honourable Friend the utter hopelessness of proceeding with this Bill at present.

Mr. FOX MAULE. — I will not say a word as to the possibility of passing this Bill; but I must say that some measure of the kind is absolutely necessary.

Mr. LANGDALE. — I cannot allow this discussion to pass without observing that the state of the turnpike roads is really shocking, and that some measure like the present is imperatively called for.

Bill considered in committee; Mr. R. PALMER in the chair.

Clause 1. agreed to.

On Clause 2. being proposed, —

Mr. HAWES said:—It is my intention on the bringing up the Report, to take the sense of the House on this clause. At present, I will not waste the time of the House by further observation.

LORD GRANVILLE SOMERSET.—I think the Honourable Member for Lambeth should explain his objection, and give the House the benefit of his experience, in the present stage of the Bill.

Mr. HAWES. — The truth is, I have paired off, and cannot vote. That is my reason for avoiding further observation in the present stage of the Bill.

Mr. FOX MAULE. — I really cannot see why there should be any doubt as to the passing of this Bill. It has been my fortune to inspect the present management of turnpike roads; and I must say that it is my opinion, that, if this Bill be not passed, those roads will soon be impassable.

Mr. HUME. — I wish to know whether the money to be levied by this Bill from the parishes, is to go for the repair of the roads, or to liquidate the claims of the creditors of turnpike trusts?

SIR C. BURRELL. — There is no such intention.

Mr. HUME. — If a man lend his money upon an estate upon mortgage, and the estate prove insufficient, who suffers the loss but the lender? — he does not come upon the parish. Tolls are for the purpose of keeping the roads in repair; and to that object they ought to be applied, in the first instance, and to no other, until the road be repaired.

Mr. SANFORD. — Whether it be right or wrong so to apply the tolls in the first instance, is not now the question. The fact

is, that it has always been the custom to apply them, in the first instance, to the payment of the interest of the debt.

Mr. HAWES. — The fact is, that the mortgagees are beginning to see that, in some places, the tolls will not cover the interest, and now they are asking you to cover them with the parish rates. Great improvidence has been shown in the management of these affairs; and, it appears, the public is to be saddled with the payment of the interest. It is said that some Bill of this kind must be passed; but I put it to the Honourable Baronet, whether we are to give these bondholders any additional security to that which they have at present for the money they have advanced? This, however, will be the effect of the Bill; and if it go through the committee, I shall take the sense of the House on the point, on the bringing up of the Report.

Mr. H. HINDE. — No portion of these tolls can be applied to the repairs of the roads, except with the consent of the bondholders. Legal opinions have been taken on the point.

Mr. FOX MAULE. — The three applications of the tolls, under the local Act, are, first, the interest of the debt; next, the sinking fund for the payment of the principal; and, thirdly, the repair of the roads ——

Mr. HAWES. — That being the last provision!

Mr. F. MAULE. — I do not say whether that order of succession be right or wrong, but it is the fact. Now, there is sufficient money to pay the first two of these claims; but, when the powers and funds are exercised as to these, there is nothing left for the repair of the roads. By the common law, the parish has been found liable, in such cases, for the repairs; and the question as to this Bill is, whether you will put the parish to the expense of proceeding by indictment? or whether you will enable the justices — who have an interest in the expenditure of the money of the parish quite sufficient for us to give them this power — to call upon the parish to do that which, I am sure, they would much rather do, than incur the expense of an indictment.

Mr. WAKLEY. — I do not think my Honourable Friend is justified in applying the term "improvident" to these mortgagees. I cannot see that it is applicable to those who have lent their money on the faith and security of an Act of Parliament. Considering the sums of money that have been lent on these turnpike roads, and the distress and misery which must occur unless this House interfere, I say we are bound to legislate on the subject. I shall support the principle of the Bill; but, at the same time, I must observe, that I do not think the Honourable Baronet has made the happiest selection in the words "clerk or treasurer," in the second clause.

Mr. HUME. — I have heard nothing that has satisfied my mind on the main point. Do Honourable Gentlemen mean to say that this House is to sanction the charging upon the public any loss that may arise from private speculations? If parishes are thus to be taxed for such purposes, I know not where the principle will stop. I shall certainly join with my Honourable Friend in his resistance to this clause.

Mr. HAWES. — In answer to what has fallen from the Honourable Member for Finsbury, I beg to say that the money was originally advanced on the security of these tolls, and of nothing else. It was not advanced on the parish rates. The security has fallen from under those who lent the money; and they have no more moral claim to any other security than they have upon the Consolidated Fund.

The remaining clauses were then agreed to; Bill to be reported on Friday.

BANK OF IRELAND ACTS.

Committee thereupon deferred till to-morrow.

POSTAGE DUTIES BILL.

On the motion of the CHANCELLOR of the EXCHEQUER, the House resolved itself into a committee on this Bill.

Clause 1. "Treasury may alter rates of postage."

Clause 2. "Rates to be charged by the postmaster general."

Clause 3. "Treasury may suspend power of franking."

Clause 4. "Treasury may regulate twopenny and penny posts."

The above clauses were severally agreed to.

Clause 5. "Stamped covers."

On this clause being put, —

The CHANCELLOR of the EXCHEQUER said: — I think it right to take this opportunity of making a statement with respect to this clause, which I hope will be taken as a pledge of what the intentions of Government are in introducing this measure, and an indication of the spirit in which this clause is conceived. It has been considered that, if this Bill pass, the Government are pledged to make use of an exclusive paper for these stamped covers. That is not the case. On the contrary, so far as the evidence now before the House enables us to judge, there may be a mode devised, which may render unnecessary the use of stamped covers. When I was asked to exclude from the Bill, altogether, the alternative of stamped covers, I declined; because, as the subject is to be fully inquired into, I wished to reserve to the Government the power of investigating every possible method by which the plan might be carried into effect. The question is, whether, when you say you will take a particular course, you do not expose the public revenue to loss, by opening the door to fraud? for it would, indeed, be a painful result to this great experiment, if we found that it had given facilities for the commission of crime, and had increased the number of convictions. Therefore, on this account, as well as for the sake of the revenue, it behoves us to be cautious, and to guard, as far as possible, against the possibility of fraud. For that purpose, then, the course I mean to adopt, when the Bill shall have passed, is, to hold out inducements to scientific men — not in England alone, but throughout Europe — to propose plans by which the objects contemplated may be best attained; after which I shall adopt that method which may appear most convenient, and best calculated to protect the revenue, — not forgetting the interest of the paper trade. I trust this explanation will go forth, because I understand there has been some agitation and alarm amongst the paper trade on this subject; but which alarm really seems to me to have been most unnecessarily excited, inasmuch as the paper makers seem to have excluded from their minds the consideration that they are precisely the class most likely to receive a direct and substantial benefit from the passing of this measure.

The clause was then agreed to.

The remaining clauses were then severally agreed to.

On the question, "That the Chairman do leave the chair," —

DUKE OF MARLBOROUGH'S PENSION.

Mr. G. V. HARCOURT said: — I wish to take this opportunity of putting a question to the Right Honourable Gentleman opposite, the Chancellor of the Exchequer. It will be in the recollection of the House, that, some time ago, I had the honour of presenting a petition on the subject of the pension enjoyed by the Duke of Marlborough, which, when originally granted in consideration of the renowned public services of the first Duke, was charged upon the Post Office revenue. The case of this pension is peculiar, inasmuch as, instead of a defined and specific amount, it has been subject to constant and large reductions, varying in amount, but which of late years have been as much as 7½ per cent. That petition was referred to a select committee, not authorised to report their opinions, but merely the facts of the case, as they found them. However, I believe I am justified in saying — and, if I am wrong, I shall be corrected by some Honourable Members who were on that committee, and who are now present — that, although the committee were not authorised to report their opinions to this House, on one point, at least, they were unanimously of opinion that the complaint was well grounded, — namely, that, as a parliamentary grant, the pension ought never to have been subjected to the shilling and sixpenny duties. They were, I admit, not equally unanimous on the larger point involved in the case. On the present occasion, I have no intention of submitting a motion to the House; I merely wish to know what the Chancellor of the Exchequer intends to do in the matter? The Duke of Marlborough will be best satisfied with whatever is the general opinion of the House.

Mr. AGLIONBY. — Having been on the committee, I wish to state what opinion I entertain respecting the Duke of Marlborough's claim. The question is divisible into two parts; — first, whether the Duke is properly charged with a deduction in respect of the land-tax? and, secondly, whether he is properly charged with a deduction in respect of the shilling and the sixpenny duties, — the first of these having been imposed in the year 1757, and the other at a subsequent period? With reference to the first point, it was the opinion of the majority of the committee, that the pension of the Noble Duke was liable to the land-tax, and that no remission ought to be made on account of the deductions which have, from

time to time, been made in respect of that charge. At the same time, a sense of justice to the Duke of Marlborough obliges me to say, that, in a legal point of view, the Duke ought not to have been charged with any deduction in respect to the shilling and the sixpenny duties.

The CHANCELLOR of the EXCHEQUER. — On a former occasion, I stated that the impression on my mind was, that the Duke of Marlborough was entitled to a remission of the deductions which had been made, as well in respect of the land-tax as of the shilling and sixpenny duties; and I voted in consonance with that opinion. But the decision of the House was adverse to my view of the case. A committee was afterwards appointed to report the facts to the House. That Report is now before us; and although it would be most agreeable to my own feelings to propose some measure making a remission on both points in favour of the Duke of Marlborough, yet, without abandoning my own opinion as to the abstract justice of the case, I think that, after the statement just made by my Honourable Friend, — and which statement, I assume, meets with the assent of the majority of the committee,—I should be better consulting my public duty, and also the interest of the Duke of Marlborough himself, by limiting the measure I intend to propose to the shilling and the sixpenny duties, upon the remission of which all parties appear to be agreed.

Mr. BAINES. — My impression was always strongly in favour of the claim of the Duke of Marlborough; and all the consideration I have been able to give to the subject has confirmed my original opinion.

The House then resumed. To be reported to-morrow.

SUPPLY.

On the motion of the CHANCELLOR of the EXCHEQUER, the committee was deferred till Friday.

SHANNON NAVIGATION BILL.

The Report was brought up. On the question, "That it be received,"—

LORD VISCOUNT SANDON said: —I am glad to have this opportunity of supporting my Right Honourable Friend opposite, with whom it is my misfortune so often to differ. This is a question deeply affecting England, as well as Ireland. If we wish that the home market shall supply the necessary amount of food to the consumers of this country, we are bound to see that the supply of corn be ample; and I believe we should do much towards feeding the manufacturing districts of this country, by giving facilities for the transport of corn from the great corn-growing counties of the West of Ireland.

The Report was then received; several amendments agreed to, others disagreed to.

The CHANCELLOR of the EXCHEQUER moved the addition of three clauses.

Amendments made; Bill to be read a third time on Friday.

PUBLIC WORKS (IRELAND) BILL.

Considered in committee; to be reported to-morrow.

SALE OF BEER BILL.

Committee deferred till Wednesday.

METROPOLIS IMPROVEMENTS BILL.

The CHANCELLOR of the EXCHEQUER.—In rising to move the second reading of this Bill, I may briefly observe, that its object is to carry into effect several improvements which have been recommended by the select committee appointed to consider the subject, with the view of "improving the main lines of communication in several parts of the metropolis, and for creating new and commodious thoroughfares in such districts, so as to afford additional facilities of intercourse." The outlines of the proposed improvements, as stated by the Bill itself, are these: — "It has been proposed to open a convenient thoroughfare from the end of Coventry Street to the junction of Newport Street and Long Acre, and to continue the line of street from Waterloo Bridge (already completed to Bow Street), thence northward into Holborn; to extend Oxford Street in a direct line through St. Giles's, so as to communicate with Holborn at or near Southampton Street; and to open a spacious thoroughfare between the populous neighbourhood of Whitechapel and Spitalfields and the docks and wharfs of the River Thames, by widening the north-

ern and southern extremities of Leman Street, and by creating a new street from the northern side of Whitechapel to the front of Spitalfields Church." Some of these openings will greatly diminish the pressure of the thoroughfare in the Strand, and also in the eastern parts of the metropolis. Some of the improvements, more especially those in Whitechapel, will not only greatly facilitate the intercourse with other parts of the city, but will be most important as regards the health of that neighbourhood. The whole of these improvements will be carried on under the direction of the Commissioners of Woods and Forests, subject to the approbation of the Lords of the Treasury. The Commissioners of Woods and Forests will be empowered to raise a sum, not exceeding 200,000*l*., for these purposes, on the security of the surplus funds raised for the openings to London Bridge, and other improvements recently made in the city; and they will be found ample, not only for paying the interest of the 200,000*l*., but also for clearing off the principal in ten years from the present time. I will now move that the Bill be read a second time; and afterwards, that it be committed to the select committee which sat on the metropolis improvements.

Mr. WAKLEY. — As a member of the committee which sat on this subject, I feel bound to state, that the propositions of this Bill were cordially supported by the whole committee. They all approved of the alterations now proposed: and the House ought to understand that it is not intended to levy any new duty on coals, or to increase the present duty, or continue it beyond the time first specified, for the purpose of carrying the improvements into effect. It is expected — and I believe the calculations before the committee justify the supposition — that there will be found, from the present duty, a surplus sufficient to meet all the expenses of these improvements. My opinion is, that if the alterations were made, the property to be created by the changes would be infinitely more valuable than that which would be destroyed; and that there would be great advantage derived to the public, from the facility of communication between the different parts of the metropolis by the lines proposed, besides the permanent improvement of those parts, — which, every Member must admit, greatly require it.

DOCTOR LUSHINGTON. — My constituents are deeply interested in this Bill. At a large meeting which was held a few months ago, and which was attended by one or two of the Members for Essex, as well as by many persons of great property in the district which I represent, — many of whom are much interested in the consumption of coal, — one and all were for the continuance of the present tax, provided only that the intended improvements could be carried into effect. With respect to the third improvement referred to by the Chancellor of the Exchequer, I must say, I think it of the highest moment to the happiness, comfort, health, and morality of that district; for, although the district which I represent is inhabited by many persons possessing very large property, yet it likewise contains sections in which all the criminal characters of the metropolis are accustomed to assemble. The expense of these improvements would be more than repaid by the advantage the public would derive from them.

The Bill was then read a second time, and committed to a select committee; committee to be nominated to-morrow.

WAYS AND MEANS.

Committee deferred till Friday.

GRAND JURY CESS (IRELAND) BILL.

Committee deferred till to-morrow.

TURNPIKE TOLLS BILL.

Reported; to be read a third time to-morrow.

FINES AND PENALTIES (IRELAND) BILL.

Read a third time, and passed.

MILITIA BALLOTS SUSPENSION BILL.

Considered in committee; to be reported to-morrow.

HIGHWAYS (No. 2.) BILL.

On the Order of the Day for the third reading of this Bill being read,—

Mr. WAKLEY said: — This Bill is sent down from the House of Lords; but the Honourable Member who has charge of it in this House can never have read it, for the second clause is an entire mass of rubbish. Instead of enacting, as was intended, that gates shall be put up on

ighways, where railways cross, this Bill ctually orders that the gates shall be put cross the railways.

Mr. F. MAULE. — That has been already amended in the committee.

Mr. WAKLEY.—I wish to know, then, s this Bill must be sent back to the ords, whether a clause should not be ntroduced, providing that, where railways ome near high roads, blind fences should e put up, so as to prevent horses from eeing the railways, and thus avoid the ccidents that are frequently occurring rom that cause. At Drayton Green, on he line of the Great Western, the railroad is within five yards of the high road o London; and the consequence is, that every person of property in the neighbourhood is leaving his residence. The expense of such fences would be very small, compared with the enormous income derived from, and capital employed in, the construction of these railways. What I want is, that, when railways come within 100 yards of the high roads, blind fences should be put up.

Mr. F. MAULE. — If such a clause were introduced, it might impose great expense on the railways,— as there are some that run parallel with, and close to, the high road, for several miles.

An HONOURABLE MEMBER. — I think the evil complained of by the Honourable Member is a great and serious one; but I apprehend he can better accomplish his object in the Highway Act.

The Bill was then read a third time, and passed, with amendments.

SHEEP-STEALERS (IRELAND) BILL.—ASSAULTS (IRELAND) BILL.

Considered in committee, and reported; further consideration of Reports on Friday; Bills, as amended, to be printed.

SALE OF SPIRITS (IRELAND) BILL.

Committee deferred till to-morrow.

EXCISE LICENCES (SALE OF SPIRITS) BILL.

Committee deferred till Monday next.

STAGE CARRIAGES BILL.

Read a second time, and committed for to-morrow.

BELFAST WATER (No. 1.) BILL.

House informed, that James Boyle, Esquire, attended the committee this day; order for his attendance on the House discharged.

BIRMINGHAM POLICE BILL.

Read a second time, and committed for to-morrow.

COUNTY AND DISTRICT CONSTABLES.

LORD J. RUSSELL. — I rise, Sir, to move for leave to bring in a Bill for the establishment of county and district constables, by authority of justices of the peace for England and Wales. What is proposed by this Bill is, to give authority to justices of the peace, in certain cases, for the establishment of efficient constables. Every one is aware that, in many populous districts of this country, there is a very great want of an efficient constabulary, which want is much complained of. A Noble Friend of mine took great pains, some time ago, with respect to a Bill for a commission for swearing in special constables. I, myself, afterwards introduced a Bill in this House, which allowed justices, in certain cases, to appoint persons as special constables. In both those Bills it was declared necessary, to warrant the appointment of such constables, that there should be an apprehension of riot, or a breach of the peace, or peril. It is evident that both these Bills would have been useful in many cases that have come under my own knowledge; but they did not apply to the ordinary state of police in certain districts. The consequence has been, that those defects which, from time to time, have been discovered as to the preservation of the peace in those districts, have not yet been properly supplied. It certainly is in the power of justices to add to the number of special constables, on a sudden necessity; but, whenever that necessity extends beyond a certain point, they find themselves very much at a loss in the matter. Many evils have arisen from this. One is, that it is very frequently the case, that, upon apprehension with respect to any meeting which was about to be held, without any immediate danger of a breach of the peace, the magistrates have sent directly for military assistance. The officers commanding in the districts to which such applications have been made, have felt them to to be very embarrassin-

They stated — (and more especially Sir Richard Jackson, an officer of very distinguished merit, and a competent judge on all subjects connected with both the military state of the army, and the civil condition of the district in which he commands) — to me, that applications of this kind tend to break down and destroy the discipline of the troops. It is very necessary to preserve that discipline, especially where there is a considerable number of recruits, so that they shall be kept together, and not divided into small detachments. A further inconvenience also, at present, arises from troops being sent to places where there are no barracks, but where the soldiers are disposed of in billets of one or two together over large towns. That was felt by the late commander for the northern district, as it is also by the present commander, to be a very serious inconvenience. On occasions, not of a very extraordinary nature, there is no force to rely on; and the consequence is, that, in populous towns of 10,000, 15,000, or 20,000 inhabitants, it often happens that the magistrates, although there be no immediate apprehension of riot or disturbance, yet swear in some three or four special constables, who are quite unfit for their duty. It is for these reasons that the present application is made. But, with respect to the ordinary administration of criminal justice, there is a great defect in our institutions in that respect. The commissioners, who were appointed three years ago to investigate this subject, and of whom you, Sir, were one,—and who performed their duty with great industry and ability, — have shown, in their Report, that there is a constant impunity to thieves — and that the property of individuals, in the country districts, is quite unprotected, owing to the inefficient state of the police, there. This insecurity is experienced in populous districts very frequently, — and more especially since the establishment of an efficient police in the metropolis, — and in many of the corporate towns. With regard to many of the towns in the North,— and I will take Hull as an instance; — it has been stated that, in that town, there is a sort of gang or society of housebreakers and thieves, whose practice it is, not to commit their depredations in the town at all, but to go out into the country some six or seven miles, and to raise large booties by breaking into private houses there, and then taking away the stolen property into the towns, where they are secure against detection. In such cases, it is evident that there would be a great advantage derived from the formation of an efficient police force.

There is another complaint, of which I have heard much in this House, and still more in the country. Ever since the passing of the Act with respect to the sale of beer, complaints have been made — and I believe well-founded complaints — against the system which that Act has introduced. The statements are, that very great disorders take place in those beer-houses, — owing — (as I think, not so much to the mere permission given by the Act for the sale of beer, which is an advantage to the people, so far as regards the consumption of beer, that I think ought not to be taken away from them; as) — to the total defeat of those rules of police which have been enacted for their regulation, but which are not carried into effect. The complaint made is, that the constables who are known to the keepers of the beer-houses, and those who frequent them, rather avoid being cognizant of those acts which occur in them, and which require to be noticed,— they having very little motive for bringing themselves into trouble by the performance of that which is a very difficult duty. The result is, that the beer-houses are notorious for disorder; and the remedy sought — which I think, in itself, is objectionable — is, to deprive the people of the Act of 1830. These are the general reasons affecting the state of the country, in reference to its police; and the reasons which induced the Government to take the matter into consideration some time ago, and to give great attention to the Report made by the commissioners. But, when that Report was thus taken into consideration, it appeared that the remedy which was proposed, although it might be the best which the commissioners could devise, with a view to the establishment of a general system of police over the whole country, was yet too large and too extensive a system to be introduced at once, and also that it went beyond the necessity of the case. There are other grounds, however, with regard to the present matter, which render it incumbent on the Government not to lose one moment in introducing a Bill upon this subject. The meetings which have been lately held, the riots consequent upon them in some places, and the alarm felt, together with the increased demand for the military force, have rendered it necessary to send detachments from the head quarters of different regiments, and also to call out the yeomanry, in aid of the civil power. It is obvious that, in many cases, this necessity might have been altogether avoided, if there had been a civil force of constables which could have been relied upon by the magistrates, and which, besides, would have been ex-

remely useful in arresting the parties oncerned; for the military force, though ; is capable of putting down disorder, is ot so well adapted for capturing and arsting the persons who may have caused t, as a constabulary. These are the reaons which make me think it desirable o introduce some measure upon this subect. If I were to make the measure geeral, I think I should be proposing the ntroduction of a paid and regular police n many districts, and in many counties, here, at present, it is not wanted. I hink there may be many districts in hich it might be desirable to have more han the usual number of constabulary; ut this necessity does not exist, with reard to many others, at the present moent. Now, looking at the present state f the country, what I think necessary is, hat the magistrates should be enabled; n certain districts, to appoint constables ho shall be regularly organised, and who hall be kept up, in permanent pay, under he authority of the magistrates. In cororate towns, this power now exists. In hose towns, there is a power to establish nd maintain regularly paid and organised olice, which may, in special cases of ecessity, be supplied with arms. In the own of Newcastle upon Tyne, where, a ew nights ago, a riot, beginning in a treet brawl, and ending in a serious tunult, took place, there is a police force egularly organised, which, on that occaion, was armed in order to meet the disurbance; and proved sufficient to meet the bject in view, and to restore tranquillity, here, without the military force in the listrict being called upon to act. It is bvious that, with respect to those towns, it is necessary that such a force should be kept up. But there are many districts, at present, which have grown so populous, which have become so thickly peopled with a manufacturing or mining populaion, that they do partake of the character or nature of a town population, while at the same time it is impossible to confer upon them municipal institutions. But, while this is the case, — while you cannot confer upon them such institutions as these,— still they do require the institution of a police force, and a more efficient administration of the power of the constabulary. In one district, this want has been so much felt, in consequence of the great increase in the number of crimes and depredations, and of lawless habits in the disorderly part of the community, that, after two or three years' complaints, two Bills have been brought into Parliament during the present Session, with the view of meeting the evils complained of. One of these is, a Bill to afford means for the establishment of an efficient police in the district to which I allude, — the Potteries in Staffordshire,— and the other for the appointment of a stipendiary magistrate. Those two Bills have passed. But the remedy, which is to be obtained only by applying to Parliament in each particular case, is a very expensive one, and requires general combination on the part of the magistrates and proprietors of the district. It, indeed, may frequently happen that the application of the remedy would be prevented, either by the dissent of some particular individual, or by the general apprehension of expense. What I propose, therefore, with respect to counties, is, that the magistrates at quarter sessions, if they shall think necessary to establish a regular constabulary force, not merely for a temporary occasion, but for a permanency, shall have the power, with the consent of the Secretary of State, to establish such force. In the same way, — and this, I think, is likely to be the more general case, — if a magistrate, acting for any particular district, shall apply to the magistrates at quarter sessions, and they shall agree to his application, in that case they shall have the power of establishing a police in that particular district, to be supported by a rate to be levied on that district only. In either case, the consent of the Secretary of State will be needed, and regulations as to the qualifications of constables will be required. Qualifications of this kind are already required by a Bill — now the law of the land — establishing a constabulary force in the county of Chester. In the present Bill, I do not propose that any appointments, either of the persons who are to have the command of the force, or are to exercise power in it, should be vested in the Crown. I think that the magistrates, themselves, will probably take care that such regulations shall be made as would enable them to have efficient persons. There are, at this time, so many examples of an efficient police, both in the metropolis and in other places, established under the direction and advice of the Metropolitan Commissioners, that it evidently would not be difficult for the magistrates to constitute a good police force. I think that the Bill I now propose to bring in will lay the foundation of an improved system in the country. At periods remote from the present time, it might have been quite sufficient to have a constable unpaid, and appointed without qualification; but the altered circumstances of the present day, when the population has greatly increased, and when there are large amounts of property ex-

posed to depredation, make it necessary that the constabulary force should be more efficient. I conceive, too, that it would tend permanently to the security of the country, if the peace could be preserved in counties without calling out the military or yeomanry, but merely by the establishment of a sufficient civil force. It is with this view, that I move for leave to bring in a Bill "for the Establishment of County and District Constables, by Authority of Justices of the Peace for England and Wales." As I have before stated, the title of the Bill may seem to imply a too general establishment of a constabulary force; but it will only give authority to magistrates to establish such a force, if they think fit.

Upon the question being put, —

Mr. L. HODGES said: —I rise merely to inquire whether the recommendations of the magistrates must be understood to be confined to apprehensions of riot? or whether they are to judge of the general wants of the country? and, also, whether any safeguard will be required by the Secretary of State, so that the powers thus to be granted to the magistrates would not be used for the mere prevention of poaching, or on any pretext of that sort?

Mr. D'ISRAELI. — All men must agree — without at all entering into the merits of this proposition of the Noble Lord — that it is one by which a considerable social revolution in the country may be effected. Unquestionably, the law is one that ought not to be passed without grave and mature deliberation; for it is one introduced, not in consequence of any gradual and general change in the condition of the kingdom; for if it were, it would not be thus introduced at the eleventh hour. It must, therefore, have arisen out of certain circumstances that have recently occurred. The Noble Lord, only two nights ago, came down to the House, and announced that a civil war had commenced in this country.

[Cries of "Oh, oh!" and laughter from the Ministerial benches.]

Well, then, he came down to declare war against Birmingham, — to levy 5000 troops against his former allies, — or whatever other description the military evolutions of the Noble Lord will bear. When, at the eleventh hour, the Noble Lord comes down to the House, and declares that he must have more troops; and, upon unconstitutional grounds, calls for the hasty organisation of a general constabulary force; surely I am justified in asserting that the Noble Lord has virtually declared that civil war has commenced in this country. Under such circumstances, then, — as in every other case where the country is pronounced to be at war, — I, as a Member of this House, have a right to inquire of the Government what is the origin of that war? — whether the means at their disposal are adequate to meet the difficulty? — and, more than all, whether her Majesty's Ministers are so well entitled to the confidence of Parliament, as that they ought to be intrusted with the control and disposal of those means? This last, after all, is the real question; but, at the same time, I do maintain that the Noble Lord has no right to come down at the eleventh hour of the Session to make this important announcement to the House of Commons, and not, at the same time, condescend to enter into any general account of the state of the country. How is the House to know whether or not the Noble Lord's demand for more soldiers, or for more police, is well founded? It may be, that the Noble Lord's demand is inadequate to the exigency; or, on the other hand, that no such increased force is required. But the Noble Lord has entered into no details whatever — has furnished the House with no *data*, on which to form a correct opinion. Under these circumstances, I shall oppose this measure, and every measure forming a part of this new batch of the Government, until the House is favoured with their official account of the state of the country.

The CHANCELLOR of the EXCHEQUER. — I am certainly not less inclined than I previously was to support the proposition of my Noble Friend, after having observed the tone of the speech of the Honourable Gentleman the Member for Maidstone. I feel, however, that, on this occasion, the Honourable Gentleman is not speaking the opinions of the great party with whom he generally acts, but merely his own; for to state that a measure introduced for the protection of life and property, and for the purpose of insuring the better administration of the law, is equivalent to an admission of the existence of civil war, or a declaration of war against any part of the country, is as gross and extravagant a perversion of the use of speech as I have ever heard. It can only be equalled by the Honourable Gentleman's misapprehension of the facts of the case to which he has condescended to refer.

The Honourable Gentleman totally forgets that the proposition, now under discussion, is one, not "brought forward without previous discussion, notice, or inquiry;" for, on the contrary, there has been, with the knowledge and approval of Parliament, an inquiry into the whole facts of the question, the result of which is already before them in a printed form. And when the Honourable Gentleman seems to hold out the hope that other men may be able to administer the laws of the country without having to resort to means of this character, and thereby endeavours at once to fix on the measure a party designation; I take leave to say that I do not think that those who have formed previous Governments, and who may form a future Government, are quite so indifferent as the Honourable Gentleman would have them supposed to be, to a measure of this last importance. For, if the argument of the Honourable Gentleman be worth a single straw,—and, perhaps, in so putting it, I am estimating it at its full value, —it may be used with tenfold efficacy against one of the best measures ever introduced into Parliament — introduced by the Right Honourable Baronet the Member for Tamworth, whom the Honourable Gentleman proposes generally to follow, but whom, I am sure, he does not follow on this occasion; — I allude to the measure for the establishment of a metropolitan police. I must say, I hope the example which has been set by the Honourable Member for Maidstone will not be followed by any other Honourable Gentleman; and that the Honourable Member himself will, in future, discuss this question on its real merits, with a view to the public advantage, and not attempt to excite undue alarm on the part of any persons. For if the Government, entering into such a measure as this in the spirit in which it has been entered into by the Noble Lord, instead of meeting with the support of Honourable Gentlemen opposite for a Bill intended to protect the rights and properties of the people, were met, as they have been met to-night by the Honourable Gentlemen, with exaggerated statements, calculated to prejudice it, I can tell the Honourable Gentleman, that the effect of such a course would be, not merely to prejudice this particular measure, but also to create obstacles to the passing of any similar one at any future time.

CAPTAIN GORDON. — I do not rise to oppose the motion, but to inquire of the Noble Lord whether he intends to extend the provisions of this Act to Scotland? If it be a good measure for England, — as I am free to assume it is, — I cannot help thinking it would be desirable to extend it to Scotland. Many of the Noble Lord's arguments, as to the necessity of this measure, apply equally to Scotland as to England. I believe that the late Lord Advocate intended to introduce a Bill, to enable the counties of Scotland to apply the road money to the purposes of a rural police,—the magistrates having no power to raise an assessment for the maintenance of a police force. I would therefore suggest to the Noble Lord the introduction of a clause in this Act, to empower the county magistrates of Scotland to apply the "road money" to the establishment of a police for Scotland, similar to that proposed by this Bill for England.

Mr. WAKLEY. — Certainly there is no accounting for tastes; — that is certain. The Honourable Gentleman wishes to have a part of this Bill extended to Scotland. For my part, I would willingly make him a present of the whole of it, and wish him joy of the bargain. I cannot conceive in what way the Honourable Member for Maidstone laid himself open to the sort of lecture he has received from the Chancellor of the Exchequer. I think that, when an Honourable Member conscientiously believes that any proposal made to this House is unconstitutional in its nature, it is his duty to get up and express his opinion. And shall it be said that he is to be exposed to be lectured by a Minister of the Crown, in consequence of such an expression of opinion? For one, although sitting on this side of the House, I will not be deterred from expressing my opinion upon any question that may be brought forward, whether that opinion be pleasing to the Government, or not. If the present proposition had been made by a Tory Government, twenty years ago, the Noble Lord would have been the first to rise in his place and protest against its unconstitutional nature. This is one of the evils which are daily arising from Gentlemen holding office, who have, now, only the name of "Reformers" belonging to them, but to whom no credit is now due on the score of their advocacy of the principles which they once professed. If the Tories were now sitting where Ministers at present sit, the people would be more on their guard against propositions of this nature, coming from men known to be hostile to reform. Though this proposition might, and no doubt will, be well received by both Houses of Parliament, will not be well received by the people.

In point of fact, it is nothing more nor less than a proposition to organise, under the control of the magistracy, a force of 100,000 men. Is the voice of the people consulted in this arrangement? No. Are the ratepayers consulted? No. But the people will have to pay all the expense of what is, in fact, intended to stifle their voice — to keep down their indignation. Why not redress the practical grievances of the people? Why not administer legislative justice to the people? There would, then, be no need for a standing army to keep them quiet; nor would any police be required, nor any organised bodies of other force, save that which the people, themselves, would supply. I shall not divide the House on the introduction of the Bill, because we cannot, at present, wholly understand the details; but, if I rightly understand the measure, I shall certainly offer my opposition to it in all its future stages.

COLONEL SIBTHORP. — Though I cannot quite concur in all that has fallen from the Honourable Member for Finsbury, yet I must agree with him in thinking that the Honourable Member for Maidstone has not fairly laid himself open to the unfair attack which has been made upon him by the Right Honourable the Chancellor of the Exchequer. What was it that fell from my Honourable Friend, to call forth such observations as the Right Honourable Gentleman has thought proper to indulge in? My Honourable Friend said, that a Bill is brought in, here, by the Government, at the eleventh hour, of a most unconstitutional character; and he asked, as he had an undoubted right to ask, why are not the House and the public made acquainted with the causes and circumstances which have rendered such a Bill necessary? I say that it is to the misconduct of the Noble Lord, and his want of foresight and firmness, that the necessity for this Bill is to be attributed; and on his shoulders the responsibility must rest. I have received a communication from a gentleman who was formerly in her Majesty's service, describing to me the state of the town of Newcastle upon Tyne, and giving an account of the riots which have recently taken place there. He assures me that those riots are to be attributed to no other cause than the misconduct of her Majesty's Government; and he adds, that, as in Birmingham, the mayor and the other magistrates of the ultra Reform party in that town are those against whom the violence of the mob is more particularly directed; and I would particularly call the attention of the House to this fact, — that the party who has suffered most is the editor of the *Tyne Mercury*, which is one of your so-called Liberal papers. I say that these riots and disturbances throughout the country are the natural consequences of the course the Government have pursued; they have promised the people what they were not able to give, and, having broken their promises, the people very naturally turn round upon them. I will only add, Sir, that I trust, that, on all these occasions, the present Government will be the only sufferers, — for not a single lash too much can be inflicted on them for the gross misconduct of which they have been guilty.

Mr. FOX MAULE. — I rise for the purpose of replying to the question which has been put by my Honourable and Gallant Friend opposite, the Member for Aberdeenshire, with respect to the extension of the provisions of this Bill to Scotland. The reason that has not been enacted, in this Bill, is, that, as regards England, a commission was appointed, and the whole subject carefully inquired into; besides which, communications have been made by my Noble Friend (Lord John Russell) to the chairmen of the several quarter sessions, requesting information as to the state of feeling of the magistrates and country generally on this subject. No such steps have been taken with regard to Scotland, and my Noble Friend was not aware of the state of feeling on the part of the magistracy of Scotland on the subject, — and therefore it is, that that country is not included within the operation of the measure; but I agree with my Honourable and Gallant Friend, in thinking that it would be desirable that Scotland should have the benefit of this Bill. I think that if the county magistrates of Scotland had the same power extended to them, which this Bill proposes to give to those of England and Wales, such a provision would tend greatly to the advantage of that part of the empire. If, therefore, the Members from Scotland, generally, express an anxiety that it should be extended to that country, I trust that my Noble Friend will not object to meet their wishes. With respect to what has fallen from another Honourable Member opposite, I will only observe, that, after what has, this night, been stated by him, and after the course that he pursued on a previous occasion, I must suppose that he would prefer to see the country in a state of riot and confusion, rather than support a measure for the preservation of peace and order.

Mr. WAKLEY. — Sir, I rise to order.

I believe, Sir, it is irregular for one Honourable Member to allude to the vote of another, and attribute to him improper motives?

The SPEAKER. — It certainly is out of order for one Honourable Member to charge another with having been influenced by improper motives as to any vote he may have given.

Mr. FOX MAULE. — I do not attribute motives; but I think I have a right to draw a conclusion.

[Cries of "Oh, oh!" and laughter, from the Opposition benches.]

I may, perhaps, have been sailing too near the wind; but I contend that I have a right to express my opinion as strongly as any one here, especially considering the imputations which have been thrown out by the Honourable Member; and I must say that, after the course which was pursued, the other night, in this House, when the town of Birmingham was in such a state that the Government was actually compelled to come down to the House and ask for a vote of money to enable the civil power to preserve the peace, and what has transpired to-night, I can draw no other inference than that ——

[Loud cries of "Order, order!"]

Mr. WAKLEY. — I rise to order. The Honourable Member has no sort of right to allude, in this way, to a former vote which was given in this House, much less to attribute such motives to the minority who voted upon that occasion.

[Cries of "Order, order!"]

I am speaking to order! I say that the attack which the Honourable Member has made on the Honourable Member for Maidstone and myself — for I was one of that minority — is the more unjustifiable, when it is remembered that the question upon which the division took place was not upon the general proposition of the Government, but merely the motion that Orders of the Day should not take precedence on a motion day. As to the proposition itself, I spoke in favour of it.

An HONOURABLE MEMBER. — And voted against it.

[Laughter.]

Mr. FOX MAULE. — Sir, I will not trespass longer on the House, than to say that I cordially support the proposition of my Noble Friend.

Mr. HUTT. — I should not have taken any part in the present discussion, had it not been for the observations of the Honourable and Gallant Officer the Member for Lincoln. The Honourable Gentleman has given a very unfair and improper description of a lamentable occurrence which has taken place in the town of Newcastle within the last few days. To correct that statement, I will venture to read to the House a letter which I hold in my hand. It is from a highly respectable individual, a magistrate. It runs thus: —

There was a Chartist, or, more properly, an Irish, riot here yesterday morning. It commenced in a public house near St. Nicholas's church, where the Hibernians assembled in great numbers. From this place they sallied forth to end a dispute, according to Irish custom, in a fight. The police interfered, and the rioters seized upon the bricks which were lying in heaps near the Union Bank. They broke nearly all the windows in that establishment. The *Tyne Mercury* office suffered next, and severely. Most of the houses in Dean Street and the Side were attacked, and all the public lamps in the neighbourhood were destroyed. The police, however, were able to suppress the disturbance without any military assistance. Fifteen or eighteen of the rioters were secured, and order restored. One or two of those persons had, I believe, pike heads found upon them; but there is no reason to believe that this was a preconcerted or a political disturbance. I do not apprehend anything here of the nature of riot, which the civil police will not be able to master. The mayor was present on this occasion, and behaved with great activity and spirit.

This, then, was evidently a casual disturbance arising out of a drunken brawl, and was in no respect whatever what the Honourable and Gallant Member has described it, — a movement arising out of any political causes, and still less out of anything which had relation to the proceedings of her Majesty's Government. The Honourable and Gallant Officer has also spoken of two gentlemen by name, in a manner which I cannot suffer to pass without observation. I mean the present mayor of Newcastle and Dr. Headlam. It is not my intention to represent these excellent persons as agreeing in political views with the Honourable Member; on the contrary, they have always been zealously and most constantly opposed to Tory politics, and to every other sort of principle which tends to arrest the progress of free and liberal institutions. But this is not their only praise; two more honourable, intelligent, and excellent men, in every relation of public

and private life, I am sure, do not exist. Even those who differ from them on public questions, will, I am confident, unite with me in saying that they deserve to be spoken of in terms of respect and commendation, when and wherever they are mentioned. They may be content to give the people less than their rights, but I am sure they never have proposed to give them more. With respect to the subject more immediately before the House, I will only observe, if the public voice could be exercised in the appointment of the magistracy, I should see nothing to condemn, but everything to approve of, in the proposition of the Noble Lord.

Mr. PAKINGTON. — I should regret, exceedingly, if the discussion of this question should be tinctured with anything like party feeling, which does not belong to it; for this ought by no means to be considered as a party measure. I fully concur in the favourable mention which has been made by the Noble Lord of the Report of the commission relative to this subject, in the preparation of which the Right Honourable Gentleman in the chair bore so large a share. I consider that Report a most valuable document, full of the most important matter, and arranged with the greatest care and skill; and I, for one, feel deeply indebted, and I am sure the country will feel deeply grateful, to the Right Honourable Gentleman in the chair, and to those who acted with him in that commission, for the pains and attention which they bestowed on the preparation of the Report, — a document from which, I believe, we may expect the most beneficial results. There was, however, another part of the Noble Lord's speech, with which I could not so entirely concur; I mean that part of it in which he referred to the complaints that have been made against the beer-shops as connected with this question,—considering, as he appeared to do, that this measure for the establishment of a rural police would be a *panacea* for all those evils and abuses which the existing Act with respect to the sale of beer has occasioned. In saying this, I do not wish to be understood as contending that an efficient rural police would not do some good with regard to the beer-shops; but my opinion decidedly is, that the Noble Lord will find himself mistaken, if he imagine that he can rectify all the evils that have arisen from that source, by this means. If we look to Manchester and other large towns, where there is an efficient local police we find it stated by the inspectors, and other officers of that force, that there never can be a positive check upon crime established, while the beer-shops continue upon the present system. With respect to the general tone and feeling of the Noble Lord's speech, and his reasoning on the subject generally, I will only state that I cordially agree with it; for I have long been satisfied that the present constabulary in the rural districts is not adapted to the existing state of society, and to the circumstances of the country. But I am anxious to know from the Noble Lord, whether the measure he now proposes to introduce, is intended to be permanent, or only temporary? Because, if it be intended to be the foundation of a general and permanent system of rural police, then I would say that, at so advanced a period of the Session, and when a great number of those Honourable Members are absent, who are most interested in a measure of this description, it would be very unfair to press it forward. If, on the other hand, it be only a temporary measure, intended to meet an emergency, and to allow time for a fuller and better digested measure to be prepared, I shall certainly offer it no opposition. So far as my information goes, I am not aware that, in the present state of the rural population, there appears to be any peculiar disposition to riot. That feeling which has been so much dwelt on, lately, seems to be confined to our large and populous towns. If I am right in this opinion, I think that there is no such immediate necessity for this particular measure, as applied to the rural districts. Perhaps, therefore, it might be better for the Government to allow the recess to pass over; and, before another Session, to prepare, on their own responsibility, a well-digested measure of a general nature, founded upon the Report of the commission to which I have alluded. Such a measure would, I am sure, be acceptable to the country generally; and I am persuaded it would receive the support of this House. And as to the question of expense, to which the Honourable Member for Finsbury has alluded, I will only say that I feel persuaded the Honourable Gentleman cannot have read the Report; otherwise he would have seen that, while a measure of this kind was highly desirable on other and much higher considerations, it was equally so on the ground of diminished expense. I trust, however, that, in the consideration of questions of this nature, the mere matter of expense will not be suffered to weigh against the moral improvement of our social system, which must spring from a well-organised and well-directed system of police.

SIR J. GRAHAM. — I did not intend to say a word on this subject till the Bill should be before the House, and till I could have an opportunity of examining its provisions; but after what has taken place, — after the expressions which have been used, — I cannot remain altogether silent. I am not disposed to offer any obstruction to the free expression of opinion, particularly on a subject so novel in its character as the one under consideration; but the freedom which I willingly allow to others, I have a right to claim for myself, — and I feel that I ought not to remain silent, after having heard the terms by which this Bill has been characterised. It has been said that this measure is a declaration of war against the people, on the part of the Government. I am not of that opinion. I consider this measure to be purely defensive. It is intended to meet an emergency which has unhappily arisen; though I do not think it opportune, at this time, to enter into the causes which have produced the difficulties that this Bill is intended to remedy. Perhaps the Government is not entirely without blame; perhaps the conduct of the Government may have had some influence in producing the state of things which has rendered a Bill of this description absolutely necessary: but I shall not now enter on the consideration of that conduct. As I understand the Noble Lord, the measure is purely defensive; and is made thus necessary by present evils, and in order to curb and restrain that insurrectionary spirit which has unfortunately arisen, — which is making alarming inroads upon the peace and tranquillity of the country, and tending utterly to destroy the security of property. I am fully of opinion that the introduction of this measure is imperatively called for, in order to secure the quiet and repose of the kingdom, and to put an end to those evils which have unhappily sprung up in some of its districts. The establishment of a police force is not made compulsory by the Bill. If it had been made compulsory, and if it had been proposed that the appointment of the constabulary force should be vested in the Government, I should have objected to the measure. If the Bill had been founded on the principle on which the Metropolitan Police Act is framed, I should also have objected to such a proposition. But, if I understand the Noble Lord rightly, this measure is purely permissive; that no authority and no power vested in the Government can compel the establishment of a police force; and, as regards the appointment and control of the force, that both are to be confided to the local magistracy, by whom the present constables are appointed, and who are most deeply interested in the preservation of the tranquillity of the country, and in giving security to property. Such are my opinions on this subject; and whatever unpopularity may attend the expression of them, I feel that I should not have acted fairly if I had remained silent.

Mr. WARD. — The proposition of the Noble Lord will go far to supply a great defect which exists in many parts of this country, and I trust that it will ultimately lead to the organisation of a more extended system. In the county in which I reside, the police or watch that exists in most parts of it, are utterly unfit to meet the exigencies that arise, from the great number of bad characters driven out of London by the excellence of the metropolitan police. In some parts of the county to which I allude, a sort of local police has been recently created, which is maintained by voluntary subscriptions; but this is by no means a fair system, as many persons refuse to contribute at all, and of course the expense falls heavily on others. There is a police or watch of this kind at Barnet, and another at the opposite extremity of Hertfordshire; and both of these are supported out of funds which are contributed to by some proprietors, and not by others, although all equally share in the benefit of the force. It has been said that this Bill would place too large a power in the hands of the magistrates. But I think that, under the present system of administering justice in the counties, there is no better mode than to give to those who administer it a civil power, sufficient to enable them to deal with the difficulties with which they may have to contend, without being compelled to have constant recourse to the military power. Although the Noble Lord does not go so far as I could wish, by giving to the ratepayers some control over the funds to be raised for paying the force, yet I am willing to take this Bill as an important instalment, hoping that further improvement in it will be effected on a future occasion. The measure which the Noble Lord now proposes to bring in is one, as my Honourable Friend (Mr. Wakley) must know, that has nothing whatever to do with party considerations. The necessity for it has arisen out of a movement which no Government could anticipate, and of claims which no Government could satisfy, — claims which go, I believe, to the extent of the community of property. I say, then, that, under the

circumstances, it is the duty of the Government to take measures for putting down that spirit of insurrection and violence, which, in some parts of the country, has begun to show itself; and when that is done, — when the peace of the country shall be restored,— then we shall be ready to join my Honourable Friend, with the earnest desire to afford relief to those who require it. But, considering what may otherwise occur in this country before the House meets again, I think the Noble Lord has made a most wise and necessary provision against any exigency, by placing at the disposal of the constituted authorities in every part of the country, the means of organising a sufficient constabulary force, should the necessity arise for applying additional power to enforce the law. Before I sit down, I will state one fact which, I think, sufficiently shows the necessity for constituting a good local police, — such as that proposed. In the borough I have the honour to represent, meetings have taken place, of a character which the magistrates thought ought not to be allowed. Accordingly, they endeavoured to put them down, and warned the inhabitants against attending such meetings; but, they having no police force at their disposal, the parties by whom those meetings were called together answered the magistrates' notice by a counter paper, which they affixed to the walls of the town, announcing that they were determined to persevere in their intentions, in spite of the magistrates' notice. I will only say, that I shall cordially support the Noble Lord's motion.

Mr. PLUMPTRE. — I regret the harsh terms that have been applied to the measure of the Noble Lord. For my own part, I can see nothing tyrannical or unconstitutional in a measure which merely provides for the establishment of an efficient police force. Whether the Bill be temporary, or not, I hope no measure of this kind will be passed, which will not leave the appointment of the police constables in the hands of the magistrates.

Mr. WALLACE. — I am of opinion that a new system of police is necessary; but I doubt whether, if the appointment and control of the constables are to be placed in the hands of the magistrates, the measure will give satisfaction to the country. It must be recollected that the magistrates are usually appointed at the recommendation of the lords lieutenants of the several counties, without reference to the wishes of the people; and it is to persons so selected that it is now proposed to leave the entire control and government of a large part of the community, who are to be appointed to supervise the conduct of their neighbours. This is a question of some novelty and difficulty, and one that requires much attention and consideration. I am quite sure that there is no Gentleman present who would wish the present disorganised state of society to continue. I conceive that the establishment of a well-organised system of police will lead to the advantage of all classes; and, while it will prevent riot and disturbance, it will assist the people in laying their grievances in a constitutional manner before Parliament. In Glasgow, we have had very large meetings, at which the police have attended at the invitation of the people, and those meetings have invariably gone off peaceably and quietly. I am quite satisfied that there ought to be a general rural police; and that the measure for its establishment ought not to be a partial one, but ought to be extended to Scotland and to Ireland.

An HONOURABLE MEMBER. — There is already such a police in Ireland.

Mr. WALLACE. — I did not know that the police of Ireland was what could be properly called a rural police; at all events, it is not that sort of police which I require. I want a police that should not be stationary in any one place, but that should go about from county to county, and be available to act in a manner similar to that in which the London police has been recently called upon to act in Birmingham. I hope that a general measure will be brought in as soon as possible, which shall have my cordial support.

Mr. LANGDALE. — Differing, as I do, from many Honourable Gentlemen on both sides of the House, I am anxious to offer one or two observations. I am as ready as any Honourable Gentleman to afford such extraordinary powers to the Government, as the necessity of the case before us demands; but I have a strong objection to make those powers permanent; therefore, if this Bill is to be of a temporary nature only, I shall not oppose it. I believe that there are many large towns which require a more efficient police than they at present possess; but, at the same time, I feel that this system of police extension might be carried to extremes, — that, in fact, we run the risk of establishing a sort of spy system in the agricultural districts — a kind of force which, if it could not find business to keep up the necessity for maintaining them in pay, would

employ themselves in a system of *espionage* that would be extremely distasteful to the people of this country. I have at all times looked with much apprehension at the creation of a general rural police, and I have thought it my duty to state that opinion to the House.

SIR T. FREMANTLE. — I agree with the Honourable Member who has just sat down, that it might be inconvenient to introduce a system of rural police extending throughout all the rural districts; and I should, with him, oppose any proposition for that purpose. But, as I understand that the measure which the Noble Lord is about to bring in is of a totally different character, I shall give it my support. For one, I have no fear that the magistrates will bring this measure into force in those quiet and peaceful counties wherein it is not required; but in the disturbed districts, wherein some such protection is necessary for the preservation of life and property, I think it is very desirable that they should have the power to form an effective local police. The sort of police which the Honourable Member for Greenock would desire to see established, I am at a loss to understand. The Honourable Member, although he supports the Noble Lord's motion, objects to the measure, because the appointment and control of the police force to be established are to be left to the magistracy of the several counties, and also because it is to be local; while, at the same time, he objects to the Irish system of police, which is not left to the control of the magistracy, and which is not local, but may be employed in one part of the country or another. I believe, however, that one of the greatest recommendations of the plan proposed by the Noble Lord is, that it is to be administered by the magistracy; and it is on that account, more than any other, that it will be agreeable to the people of England. They will know that no unnecessary expense will be incurred, and that the force will be established only in those districts where it is absolutely required. When we learn that, in many parts of the country, the inhabitants find themselves compelled to subscribe together for the purpose of employing persons to assist in the detection of criminals, I think we have a sufficient proof that something of the kind proposed is necessary. In my own county, the crime of sheep-stealing had increased to such a degree, that we were lately obliged to call upon the farmers to subscribe to pay for a policeman or watchman to protect their property; and I believe, that if the magistrates had the power to appoint two or three policemen, for such purpose, in each district, it would be found most beneficial. I shall not oppose the motion of the Noble Lord; and if the Bill shall, when introduced, turn out what, from the Noble Lord's description, I expect it will, — that is, entirely permissive in its character, — it shall have my cordial support.

Mr. J. FIELDEN. — The Honourable Baronet (Sir T. Fremantle) is anxious for the establishment of a rural police, because the crime of sheep-stealing has increased, of late, in his neighbourhood; but it is not a rural police that will prevent sheep-stealing. You must give the working people the means of earning a subsistence by their labour, and you will then remove from them the temptation to steal their food. My opinion is, that the establishment of such a police as that proposed by the Noble Lord would increase, rather than diminish, the crime of sheep-stealing. The manner of appointing this police force is, in my view, a great objection to the Bill. There are, in every county, many ratepayers, who are as respectable as the magistrates; and it would be nothing but fair that they should have a voice in the appointment, and also in the question as to the establishment of any police at all under the Bill. I look upon the proposition of the Noble Lord with the greatest apprehension. Instead of disarming the disaffected, I believe that this measure will lead to greater dissatisfaction, and a more determined show of resistance, — because the police will be regarded, by the people, as spies upon their actions, and will be despised by them.

Mr. DARBY. — I must say that, as far as my experience goes, I have found that the crime of sheep-stealing is generally committed by gangs of abandoned vagabonds, and not by any portion of the industrious classes. As to the subject-matter of the question before the House, I will not attempt to enter into any discussion upon it, until I have the Bill before me: I will merely say, that, if the measure is to be founded on the system of centralisation, I shall oppose it; but if it proceed on a constitutional principle, I shall give it my support. It will be a question with me, if the magistrates have the power to raise the force, how far they should have the power to diminish it. This, however, is a matter of detail, which, with others of the same nature, must be considered when the Bill is before the House.

Mr. BROTHERTON. — I think there is no duty of the Government more important than that of taking measures for the preservation of life and property; and I think, also, that no portion of the community is more interested in the maintenance of the public peace, than the working classes themselves. I consider myself to be, in some measure, identified with the working classes; but while, on all occasions, I have supported those who wished to redress their grievances, I have deprecated improper and violent proceedings. Therefore it is that I am now ready to give all proper powers to the Government for the security of the public peace. At the same time, I do not think it would be wise to trust the absolute power of the police with the magistrates. I think the consent of the ratepayers in vestry assembled, or probably of the poor law guardians of the different unions, might be obtained. It appears to me, that, if those bodies who are chosen by the public generally were required to be consulted on the question of establishing a police force in any district, the measure would assume a more popular character, and would, I have no doubt, give satisfaction to the country generally. Admitting the necessity which has arisen for the establishment of some such measure such as that proposed by the Noble Lord, I wish to be understood as not pledging myself as to any course I may take with regard to the Noble Lord's Bill, until I shall have had an opportunity of considering it.

Mr. ASHTON YATES. — It appears from the Report of the Commissioners on the Appointment of a Constabulary Force in England and Wales, that, in many districts, the state of crime is such, that persons dare not travel after dark, for fear of being robbed, and that even the cultivation of the land is interfered with. And as to the manufacturing districts, the Report also states, that the peace of the country is endangered by the want of a sufficient police force to prevent and detect crime. I am sure that those Honourable Members who oppose the introduction of this Bill cannot possibly have read this Report. With regard to the control of the proposed force, I am no very great admirer of the magistrates of this country; but I am not aware of the existence of any other body in whose hands this power could be so properly intrusted. I therefore shall cordially support the Noble Lord's motion.

LORD J. RUSSELL. — I am very happy to find that my proposal has been very fairly discussed, and in a spirit quite different from that in which the Honourable Member for Maidstone commenced the debate. With regard to the observations of the Honourable Members for Oldham and Finsbury, I confess that I cannot see any connection between sheep-stealing and the liberty of the subject.

[Cries of "Oh, oh!"]

I think the industrious portion of the community will be the greatest gainers by the measure, as it will tend to the protection of their property; and the less they are, themselves, able to obtain that protection, the more benefit will they derive from the establishment of an efficient police force. It is quite evident that the man who keeps a large number of servants to protect his house and his property, is not so much in need of the protection which this Bill will afford, as the man who is obliged to leave his property unprotected, when he goes to market, or elsewhere. With respect to the temporary nature of the Bill, I must say that, although it may require some amendment in some future year, it is not to be limited with regard to its duration, because that limitation would defeat the very object which it is proposed to effect. I do not propose to restrict its operation to any precise date. If I were called upon to say what I considered to be the best and most effective system of police for a country, perhaps I should propose a general uniform system, independent of local feeling, and governed by one central head. But when we are endeavouring to combine a system of police with the existing institutions of a country like this, — which are, for the most part, local, — of a country in which the administration of justice, and all the transactions with reference to the management and government of prisons, are carried on without reference to the Government in the capital, — I think it would not be expedient to have a police dependent, only, on the commissioners at Whitehall. For this reason, I deem it better to leave the control and management of the force in the hands of the magistrates of the county in which it may be established, — though such a system may not be so effective as if it were conducted on the principle of one central head. As regards prædial or political outrage, I consider that the proposed police, instead of being established for the purpose of putting down the people, — as has been said, — will be formed for the permanent protection of the majority of

the people; because, if you have a violent minority, secretly arming themselves and creating disturbance, the more numerous but more peaceful body may be overpowered by the disaffected minority, and require some protection to enable them to defend their lives and properties. As to the difference of opinion which prevails upon this question, I must say, that if the term "unconstitutional" could be applied to this measure, it might be equally applied to the Bill for establishing the metropolitan police force, which was brought in by the Right Honourable Baronet the Member for Tamworth, and for which both I and other Members, who were in Opposition at that time, voted. I supported the plan; and my Right Honourable Friend (Sir J. C. Hobhouse), who was, then, Member for Westminster, and far more exposed to the influence of popular censure, also gave to that measure his cordial support. And I do think still, that a question of this nature ought not to be now, as it was not then, treated as a political and party question.

The question was then again put, and agreed to.

Upon the question, "That the Bill be brought in by LORD JOHN RUSSELL, Mr. CHANCELLOR of the EXCHEQUER, and SIR JOHN HOBHOUSE," —

Mr. D'ISRAELI said: — Everything which has passed during this discussion has tended to confirm me in my original impression, as to the nature of this measure. I do not mean to throw out insinuations, with regard to motives, nor to indulge in personalities. But I maintain that the Noble Lord has introduced this Bill on a misrepresentation. I do not use that term in an offensive sense. I do not wish to charge any Member with being influenced by improper motives. I leave such proceedings to Under Secretaries of State, believing them to be at once coarse, vulgar, and ill-bred.

[Loud cries of "Order, order!" and, "Chair, chair!"]

The SPEAKER. — I would put it to the good taste and feeling of the Honourable Member, himself, whether those are expressions he ought to use in speaking of any other Honourable Member?

Mr. D'ISRAELI. — I see no reason why I should be so vehemently called to order on this occasion. I have been charged with wishing rather to see the country plunged in a state of riot and confusion, than to assist in establishing the public peace; and that charge the Honourable Member has stated, in his peculiar phaseology, to be only "sailing rather near the wind." I do not understand how it happens that I should have been exposed to such "a fire," for making these remarks upon the public conduct of Gentlemen in office in this House. I repeat, that this Bill, and the Bill introduced last night, have been introduced upon misrepresentation. If the object had been that stated by the Noble Lord, why should these measures be brought in on the 24th of July? The vote proposed to be taken will not be sufficient for Birmingham alone; the military are protecting the town, and must protect it. I say, Sir, it is due to the House, that the Noble Lord, in bringing forward a Bill, such as that now proposed, should give us some exposition as to the state of the insurrectionary spirit in the country, — as to its causes, and as to the consequences which may ensue from it, and the measures with which it ought to be met.

An HONOURABLE MEMBER. — I rise to order. I believe, Sir, there is no question before the House.

The SPEAKER.—The question before the House is, "That Lord John Russell, the Chancellor of the Exchequer, and Sir John Hobhouse do bring in the Bill."

Mr. D'ISRAELI. — My conduct has been commented upon by the Chancellor of the Exchequer and an Under Secretary of State; and those comments I do not choose to pass unnoticed. From a Chancellor of the Exchequer to an Under Secretary of State, is a descent from the sublime to the ridiculous; though the sublime is, on this occasion, rather ridiculous, and the ridiculous rather trashy. How the Right Honourable Gentleman became Chancellor of the Exchequer, and how the Government to which he belongs became a Government, it would be difficult to tell; —

Like flies in amber —
One wonders how the devil they got there.

I intend to oppose these measures; and will, on some future occasion, divide the House on the question, unless the Government come forward with some statement as to the condition of the country; and give that explanation of their policy, which is due from them to the House, and to those they represent.

Question agreed to.

SOAP DUTIES REGULATION.

Bill, "to remove Doubts as to charging the Duty of Excise on Hard Soap," presented, and read a first time; to be read a second time on Friday, and to be printed.

PAPERS, &c.

Port Patrick Harbour. — On the motion of Mr. WALLACE, Copy ordered —

Of the letter from the Post Office Commissioners to the Lords of the Treasury, dated the 9th day of February, 1836, with the Treasury minute thereon, respecting the discontinuance of further outlay at Port Patrick.

Woollen Goods. — Return (presented the 19th of July) to be printed.

Warwick Gaol. — Copy of rules and regulations (presented the 23d of July) to be printed.

Adjourned at a quarter after twelve o'clock.

HOUSE OF LORDS, JOVIS, 25° DIE JULII, 1839.

APPEALS.

Munro (or Ross) *v.* Paul. — In part heard, and adjourned to Monday next.

Tennant and Company *v.* Hamilton (pauper).—Adjourned to Monday next.

Logan (or Gill) *v.* Logan. — To be heard on Monday next.

Stewart *v.* Gloag. — Considered, and interlocutors reversed; and the interlocutor of the Lord Ordinary affirmed.

Barry (pauper) *v.* Waddell. — Considered, and interlocutors affirmed.

Rutland *v.* Doe, on demise of Whyte (writ of error). — Delivered by William Henry Walton, Esquire, one of the Masters of the Court of Exchequer (by leave of the House), in the absence of the Lord Chief Baron.

Dixons *v.* Dixons.—Set down for hearing *ex parte*.

Houlditch *v.* Wallace. — Petition of the appellant for directions as to taxation of costs of the respondent, James Dashwood. —Read, and referred to the Appeal Committee.

Sir L. St. George Skeffington, Baronet, *v.* Budd. — Petition of the appellant for further time to lodge cases. — Read, and referred to the Appeal Committee.

RIVERSTON BARONY.

A witness ordered to attend, and to produce a certain document.

House adjourned during pleasure, and resumed by the EARL of SHAFTESBURY.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWERS TO ADDRESSES OF MONDAY LAST.

Reported.

ABERFORD SMALL DEBTS BILL. — GLOSSOP SMALL DEBTS BILL. — GRANTHAM SMALL DEBTS BILL.—ROCHDALE SMALL DEBTS BILL. — ROTHERHAM SMALL DEBTS BILL.—WARRINGTON SMALL DEBTS BILL.

Reported, without amendment.

BELPER SMALL DEBTS (No. 2.) BILL. — NEWARK SMALL DEBTS BILL.

Reported, with amendments.

OLDHAM SMALL DEBTS BILL.

Reported, with an amendment.

GRANTHAM SMALL DEBTS BILL.

Several witnesses ordered to attend.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Petitions in favour of, — of merchants and traders, being owners of property in, or inhabitants of, Fenchurch Street, and the immediate neighbourhood of the *terminus* of the Blackwall Railway as proposed to be extended by the Bill; and of merchants, shipowners, and other persons interested in the trade of the port of London. — Read, and referred to the select committee on the Bill.

NORWICH IMPROVEMENT BILL.

Report from the Standing Orders Committee, that the Standing Orders have not been complied with, and that the committee do not recommend to the House to dispense with the same. — Read, and ordered to lie on the table.

ASSESSED TAXES COMPOSITION, &c. BILL.

House in committee (according to order); and Bill reported, without amendment.

TIMBER SHIPS BILL.

House in committee (according to order); verbal amendments made; Report thereof to be received to-morrow.

IDOLATROUS WORSHIP (INDIA).

The BISHOP of EXETER presented petitions for the prevention of, — of the Protestant minister and inhabitants of Temple Carne, diocese of Clogher: of members of the congregation of Wesleyan Methodists of Halse Street chapel, Poplar; and Brunswick chapel, Limehouse: and of inhabitants of Coleraine; and Truro. — Read, and ordered to lie on the table

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER presented petitions against, — of the archdeacon and clergy within the archdeaconry of Bath: of clergy within the deanery of Fordingbridge: and of clergy of Liverpool; Manchester; and Taunton. — Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

The BISHOP of EXETER. — My Lords, I beg leave to present petitions from inhabitants of parishes forming part of the union of Chipping Norton; from Addingham; and from the Reverend Arthur T. Russel, vicar of Caxton, against the renewal of the present powers of the Poor Law Commissioners, without making some considerable alterations in the Poor Law Amendment Act. It is probable I shall be absent from your Lordships' House when this subject will come on to be discussed; but I may, perhaps, be permitted to say, that, if I could be present, I should be anxious to co-operate with my Noble Friends, who are most likely to propose such amendments as will make your Lordships pause before you continue the powers of the Poor Law Commissioners even for another year. The first point on which I would address your Lordships, if present when the question shall be under discussion, is the bastardy clause, which, when the original Bill was before the House, I did all in my power to induce your Lordships to alter. At that time, I was of opinion that effects, the very reverse of those which were confidently expected by the avourers of the measure, would ensue from it. They anticipated that there would be a great increase of chastity on the part of the young females of the country, and a great diminution of that hideous crime, infanticide, which, I am shocked to say, has become the opprobrium of this country within the last few years. I heartily wish that the anticipatations of the promoters of the measure, in respect to these two points, had been realised. But the reverse is the case. The Reports of Poor Law Commissioners are flattering enough; they say that there is a marked improvement in this particular. But, my Lords, what is the fact? A little consideration will show how much these Reports are to be relied on. Returns have been ordered of the number of children registered by the clergy of the country, as legitimate children, during the four years previous to the passing of the Poor Law Amendment Act, and the four years following it. What has been the result? Has it been as favourable to the friends of this law as they anticipated, when they prevailed on your Lordships to pass it? No. There has been, on the contrary, a large increase in the number of illegitimate children registered as baptized. But do your Lordships think that increase really measures the increase of illegitimate children which have been born in the same interval? I wish I could flatter myself, or had any reason to induce your Lordships to conclude, that this was anything like a fair criterion by which to judge of the truth. Your Lordships may be quite sure that the number of those unhappy children, born since that period, and not baptized, is considerably greater than the number of those returned as registered and baptized. For it should be remembered what was the state of things before the Poor Law passed. At that time, the birth of an illegitimate child was a matter of notoriety; the mother was obliged to proclaim the birth, in order to get relief from the parish; and there was no motive for concealment, or for not taking the child to church to be baptized. Then, too, the mother would have been ashamed to keep the child of sin, which she had brought into the world, from that blessed sacrament, which is intended to impart, at least, a hope of salvation hereafter. But, at present, the mother of an illegitimate child is tempted to do the utmost to keep it from baptism, because her chief object is to avoid exposure, and to conceal the fact that she has given birth to such a child. My Lords, I do not speak lightly on this subject, but on

the authority of the clergyman in the parish of Stoke Damarel, from whose statements there appears to have been such an extraordinary diminution in the number of registered baptisms, that it would astonish your Lordships were I to give you the details. But, without going into them, I will ask, is the increase in the number of illegitimate children who are supposed to live, a satisfactory subject for your Lordships to consider? Far from it. But what would you say, if the number of children brought into the world, only to be sent out of it by the guilty hands of their mothers, could be ascertained? Let us turn to Chester, and inquire what recently occurred there, at the assizes for the county; and then tell me, my Lords, whether infanticide has not greatly increased since the passing of the Poor Law Amendment Act.

There is another point on which I should address your Lordships, if I could have an opportunity; and that is, that part of the law which enables, nay, compels the guardians — if they attend strictly to the letter of the law — to shut up all persons who need relief, however small the measure of that relief may be, in workhouses, and to separate husbands from wives, and parents from children. This is a course not only contrary to natural law and reason, but to the revealed law of God; and I should earnestly call upon your Lordships to retrace your steps on this point, and to clear yourselves from the guilt of passing an enactment so opposed to divine law. On a former occasion, I declared that I would take the opinion of a court of law upon the legality of this power, so conferred on the guardians. I have redeemed the pledge I then gave. I instructed a learned counsel to apply to the Court of Queen's Bench, and he did so; but it was so late in the term when the application was made, that the judges refused to entertain it in that term. When the next term commenced, the learned individual whose services I had engaged told me that, whatever opinions he and others held upon that subject, the provisions of the statute were so stringent, that it was doubtful whether any application of the kind would be successful. Deferring to this opinion, and considering the excited state of the country in reference to this subject, I think I only exercised a sound discretion in not proceeding further in the matter at present. My Lords, there is another point on which I would address your Lordships. The Poor Law Commissioners, at least the assistant commissioners, wanted the union workhouses to be what the petitioners proclaim and deplore that they are — prisons. I hold in my hand an extract from the Report of an assistant commissioner, which is as follows: —

> To the old, restraint is so little of a hardship, the quiet and excellent accommodation of these new workhouses is so congenial to their time of life, that I much fear lest they should become attractive, when experience has shown that they are not so comfortless as described. At present, their prison-like appearance, and the notion that they are intended to torment the poor, inspires a salutary terror.

This is the language held in respect to — whom? — the lazy, the vicious, and the worthless? No; but the aged, the infirm, and the distressed; persons who can, perhaps, earn a little out of doors, but not enough to support them, and who must be content either to die by inches, or submit to perpetual imprisonment.

My Lords, there is another part of this law which I deem to be not a whit less culpable before God. It is that by which the unhappy inmates of the workhouses are prevented from enjoying religious fellowship and community with their Christain friends in the worship of God. They are confined to the association of persons like themselves. To them, Sunday is no day of rest or enjoyment; but it is converted into a day only calculated to remind them of that unhappy fate to which the law of their own land has consigned them. It has been said that the late riots at Birmingham were caused by excitement on the subject of the poor laws. Whether this assertion be correct or not, I will not now inquire: but, considering the authority from which this assertion comes, — and supposing, for a moment, that it is true, — I will say, the best way of getting rid of this excitement, is to remove the real grievance. Agitation will cease, when the cause for it is taken away. The inhabitants of this country are a considerate, and, thank God, a religious people; and therefore it is that the laws are honoured, and the monarchy safe. But if, unfortunately, the time shall ever arrive when they will consider the laws of man in opposition to the laws of God, all their religious feeling will be on the other side, and they will feel themselves bound to resist the laws of man. And what, let me ask your Lordships, would be the consequence of this resistance? Government stands upon opinion — upon opinion made up of a feeling of terror, and, happily, in this country, of a deep sense of duty. Terror, alone, can do nothing, — for the sense of duty is the firm foundation upon which all obedience rests. But your Lordships may depend on this, — that the sense of duty will not long survive the consciousness of suffering oppression — that it

will not long survive, when the people feel strongly that the laws of God are violated by the laws of man. I will not trespass longer upon your Lordships' time; nor should I have ventured to offer these observations to the consideration of the House, had it not been that I was apprehensive of having no other opportunity of addressing your Lordships on this most important subject.

Read, and ordered to lie on the table.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

The BISHOP of EXETER. — I wish to ask the Noble Viscount at the head of the Government, when it is intended to bring on the second reading of the Cathedral and Ecclesiastical Preferments Bill? Has the Noble Viscount any objection to fix the second reading for Monday next?

VISCOUNT MELBOURNE. — No; I have no objection to taking the second reading of the Bill on Monday.

IMPRISONMENT (IRELAND).

The MARQUESS of DOWNSHIRE. — I rise to call your Lordships' attention to a subject connected with Ireland; and when I read to your Lordships what has appeared on this matter in the newspapers, I am sure it will be admitted that the case is well worthy the attention of the Government, and of this House. On the 13th of this month, the assizes for the county of Longford were opened. The judge at those assizes was the Lord Chief Justice Doherty, — a man who needs no eulogium from me, — a man who has been a distinguished Member of the other House of Parliament, and who is now one of the greatest ornaments of the bench. In opening the assizes, the following scene took place: —

The Chief Justice. — I perceive that some cases have been standing over since the last assizes; and, amongst them, are those of such an extraordinary character, as to induce me to ask some questions of the magistrates present, many of whom, I presume, I am now addressing. Amongst the prisoners at present confined in your gaols, and returned to me on the face of the calendar, are twelve men, — some of whom, it appears, have been detained in custody since October, 1838, and some of them since the 17th and 18th of March, 1839, without any specific offence being charged against them. This, I confess, astonishes me beyond measure. Here are men, seven or eight months in prison, without being charged with any crime. I ask such of you, gentlemen, as may be magistrates, and may be supposed to know something of this matter, is it a fact? or what is the meaning of it?

A juror. — I believe, my lord, no magistrate on this jury knows anything of it.

Chief Justice. — Then who does know anything of it?

Another juror. — Mr. Barnes, the stipendiary magistrate, perhaps, can give some account.

Chief Justice. — Call Mr. Barnes. Where is the gaoler, till I ask him if there be committals with these men?

A juror. — Here is Mr. Barnes, now, my lord. (Mr. Barnes here mounted the table, and came immediately under the bench.)

Chief Justice. — Mr. Barnes, are those persons who appear detained here for re-examination, in your custody?

Mr. Barnes. — It was I who committed them, my lord; they have been detained for re-examination.

Chief Justice. — For re-examination, Mr. Barnes? I don't understand that men are to be immured in a prison since last October for re-examination. The law is too jealous of the liberty of the subject to tolerate or sanction such a proceeding. You had no right to keep them in prison. I can very well understand the cases of these persons who were remanded for re-examination by Mr. Crawford, on the 7th and 8th of this month — this is the 9th — that was quite fair; but again I express my astonishment, and I want to know why men are to be kept in prison eight or nine months for re-examination?

Mr. Barnes. — I will point out to your lordship the grounds upon which they have been detained.

Chief Justice. — No grounds could justify their imprisonment under such circumstances; there is no such thing known to the laws of this country.

Mr. Barnes. — The informations were laid before the Crown Solicitor, and ——

Chief Justice. — I am not to know anything of the Crown Solicitor in this case; but I am to know the law of the land; (then, turning to the grand jury) and in your presence, gentlemen, let me state that the law does not sanction such a violation of the liberty of the subject; and, as I speak in the presence of county magistrates, of high character and station, I will express my satisfaction that none of you have fallen into the fault I have pointed out. And now, with regard to what the law is upon the subject of committal for further examination, I will say a word. The law expressly lays down that a man's imprisonmen is not to be indefinitely prolonged for the purpose of his final or re-examination, and that he shall be detained only for a reasonable time. What that reasonable time may be, has given rise to very wide discussion; and the utmost limits to which it has been pushed was fifteen days; and that, instead of being a reasonable time, has been counted a very unreasonable time, and could be sanctioned only by the peculiar circumstances of a letter being found, addressed to the prisoner, before it fell into his hands, which stated that, in a fortnight, he would be written to upon the subject of the charge against him; and, it being supposed that this letter would throw light upon the charge against him, he was detained in custody. Such is the tenderness that the law has for the liberty of the subject, that when an action for false imprisonment is brought against a magistrate in a case like the

present, the question is left to the judge as to what the reasonable time of detention may be. It is, therefore, the duty of magistrates to be cautious; and it will be my duty, at the termination of this assizes, to discharge all the persons who have been kept in gaol for further examination, unless some definite charge is brought against them, upon which they may stand their trial.

Having been engaged on the committee relative to the state of crime in Ireland, — and the Chief Justice of the Common Pleas, as well as Mr. Barnes, having been examined before that committee, — I felt it my duty to bring this matter under your Lordships' consideration. It appears to me most extraordinary, that, when the Noble Marquess opposite had released so many persons from the gaols of Ireland, without communicating with the judges who had tried them, a stipendiary magistrate should have taken upon himself to commit to prison such a number of persons, who, from all that appears, had been guilty of no crime, and — merely on a plea of a re-examination being necessary — to keep them in confinement for so many months. Of Mr. Barnes, himself, I know nothing; but I have been informed that that person has taken an active part in political matters, and that he has been placed in a situation of great responsibility, — namely, that of stipendiary magistrate in the South of Ireland. Holding this appointment, his conduct is liable to inquiry by the Government, as to the grounds for his proceedings with reference to the parties to whom I have alluded. The conduct of Mr. Barnes relative to those unfortunate individuals seems to me to involve points worthy of the gravest consideration; and I therefore beg to ask the Noble Viscount opposite whether he has heard before of this affair? and, if not, whether the Noble Viscount will feel it his duty to make some inquiries upon the subject? The animadversions of the Chief Justice were, in my opinion, most proper; and they were quite consistent with his high character and upright conduct, and calculated to insure for the judge the respect and gratitude of the nation.

VISCOUNT MELBOURNE. — This is the first time that I have heard of the transaction to which the Noble Marquess has alluded; but I quite agree with him that the matter is well worthy of consideration. The subject shall be fully investigated.

LORD LURGAN. — I wish to ask the Noble Marquess whether the prisoners were liberated by the Chief Justice at the termination of the assizes?

The MARQUESS of DOWNSHIRE. — I am not aware whether they were liberated, or not. All I know about the matter is derived from the statements in the public prints.

The EARL of ROSSMORE. — I have strong reason to believe that these men were liberated immediately after the assizes.

The MARQUESS of WESTMEATH. — The whole *gravamen* of the matter is, that these men were imprisoned without having had any specific charge brought against them. The subject is one which strongly calls for inquiry.

BOROUGH OF POOLE.

LORD WHARNCLIFFE.—My Lords, I beg leave to present a petion from Poole, complaining of the appointment of magistrates for that place. The petitioners state that they were induced, in consequence of representations made to them by the Secretary of State for the Home Department, to frame a list of persons eligible to be appointed magistrates, — which list was prepared by the magistrates of the town. Not one of the persons so recommended has, however, been appointed, and the petitioners complain of the unfairness of that proceeding. In fact, I believe that the appointment of magistrates to all the new boroughs which have received charters, has been influenced entirely by political considerations.

VISCOUNT MELBOURNE. — The Noble Lord is putting forward allegations which are not contained in the petition.

LORD WHARNCLIFFE. — I am but expressing my own opinion. I am convinced that, in all the new boroughs, the appointment of the magistrates has been influenced by political considerations; and I am ready to prove the truth of that position, if the Noble Viscount will grant me a committee.

Read, and ordered to lie on the table.

POOR LAW AMENDMENT ACT.

LORD WHARNCLIFFE presented a petition for alteration of, as to the bastardy clauses, — of justices of the peace for the West Riding of the county of

York. — Read, and ordered to lie on the table.

STATE OF THE CHURCH IN THE COLONIES.

The ARCHBISHOP of CANTERBURY. — My Lords, I rise to present some petitions to your Lordships on a most important subject; and the character of the petitioners is so high, that I am sure it will be admitted that they have a strong claim upon your Lordships' attention. One of the petitions is from the Society for the Promotion of Christian Knowledge, — a body which embraces almost all the clergy of the Church of England, and a great portion of the community who are interested in the spread of religious instruction. The other petition is from an individual, — but it is not on that account the less deserving of your Lordships' attention, as it is from a distinguished prelate, of high character, in Australia. The subject of these petitions has reference to the interests of the colonial church — to the interests of the church established in our distant colonies in connection with the Church of England. The petition from the Society for the Promotion of Christian Knowledge begins by asserting that it is the duty of the state to provide religious instruction for the people, wheresoever they may be situated. It then goes on to observe that this country is more responsible than any other for the propagation and support of religion, because it has a more extensive dominion than any other country. It states, also, that this country has not fulfilled the obligations due from her to her subjects in the colonies. The petitioners pray that means of further instructions may be granted to all our colonies; and they implore of the Legislature, protection for the property of the church, and the necessary measures for the erection of churches and chapels appropriated to the use of the Church of England; and they further pray that no new colony may be established, without making sufficient provision, there, at the same time, for religious worship. In all these particulars I agree with the sentiments expressed by the petitioners. We have been more negligent than any other country in the world in making provision for church establishments in the lands which we have colonised. If we look at Spain, at Portugal, at France, and at Holland, we shall find — especially where the religion of the state is Roman Catholic — that ample means are supplied for the purposes of religious instruction in their colonies. But no such care is taken by us to provide for the spiritual wants of our extended empire. For many years we have actually sent out convicts to the penal colonies quite unprovided with the means of religious instruction. Nor is this all. The provision which, in 1791, was made for the clergy of the established church in Canada, is now threatened with abolition. With respect to the wants of our colonies, it appears that in Upper and Lower Canada, in Nova Scotia, New Brunswick, and Van Diemen's Land, there are no less than 800 clergymen wanted, besides those employed by the Society for the Propagation of the Gospel; and there are, at present, a great number of clergymen employed by that society, at an expense of not less than 30,000*l.* or 40,000*l.*

Thus much for the facts stated in the first petition. I now come to the other petition; which shows that instructions were issued under the Royal sign manual, in July, 1825, to set apart a seventh portion of the lands in Australia for the support of the established church; that such lands were accordingly set apart for that purpose; but that, since that time, the lands have been used for other purposes, though (it is submitted) they still continue subject to the same liabilities of providing churches and schools according to the principles of the Church of England. The petitioner prays, therefore, that your Lordships will take this matter into your serious consideration; and that you will not allow any Act to pass without making a due provision for the wants of the clergy in that colony. With respect to Van Diemen's Land, the same system was originally established there also; but that system has been since changed, and 400 acres of glebe have been allotted to each living; and these livings are held, not only by clergymen of the Church of England, but by members of the Presbyterian and the Roman Catholic church. Now, here is a point to which I wish to call your Lordships' particular attention. I apprehend that the policy now pursued, with respect to the colonial church, is, to put all religions in the colonies on an equality. I hold in my hand a letter from a very distinguished Governor of New South Wales, in which he says that the recent dissolution of the church corporation affords him an opportunity of placing on an equitable footing the principal churches in the colony, — the Church of England, the Church of Scotland, and the Church of Rome. The writer, therefore, recommends her Majesty's Government to take the whole case into their serious consideration, and to adopt such measures, in reference to it, as may afford satisfac-

tion to the colony; and he further observes that, in a new country, it is impossible to establish a dominant and endowed church, without giving great offence to some part of the community. Now, I know, very well, that, with respect to Canada, great difficulties are to be encountered in attempting to endow an established church; but, with regard to Australia, there is no such difficulty. Three fourths of the population of Australia are members of the established church; and their good feeling towards that church is evinced by their having subscribed very large sums towards the building of chapels; — sums much larger, in proportion, than have been subscribed in other countries. I believe, therefore, that there exists no opposition to the establishment of the Church of England in that colony. I have no objection to the state affording assistance to large bodies of Christians differing from the Church of England; but what I complain of is, that the church should thus have been deprived of her revenues. What had been given to her, should not have been taken away. I will maintain, also, that the church ought not to depend upon voluntary contributions, — which, when they amount to a large sum, may not be willingly paid, or may, at some time when faction is hostile to the support of religion, be altogether withdrawn. I say, then, that true policy would leave the colonial church in the possession of its lands, — a course which would tend to quiet the minds of those who have settled in the country, and to the preservation of the pure Protestant faith. It is not my intention to go into this subject at large, upon the presentation of a petition; but I trust and hope that a concern of so much importance to all our colonies may not be settled without the express intervention of Parliament. I would not have it left to the discretion of one of her Majesty's Principal Secretaries of State, who has so much on his hands that he has not time to give it his deliberate attention; and who would be, therefore, almost compelled to act on the suggestions of a Governor, who might give him wrong information, or have some favourite theory of his own, which he might be anxious to carry into execution. I earnestly hope that the established church in the colonies will be placed on a fixed and settled principle and basis, so that its wants may be supplied as they arise; and that, so far from being deprived of the possessions which have been formerly awarded to it, further provision may be made for extending religious truth in connection with it. Thanking your Lordships for the indulgence you have afforded me. I now beg to move that an humble Address be presented to her Majesty, praying that her Majesty will be graciously pleased to lay before this House —

Copies of any documents and extracts of correspondence relating to the establishment and dissolution of the corporation of clergy and school lands in the colony of New South Wales, and to the proposed sale of those lands, including the opinion of the supreme judges, delivered in writing, dated the 8th of August, 1831: And, also,

Copies of any documents relating to appropriation of glebes to the clergy in Van Diemen's Land, and the proposed sale thereof.

I now beg leave to present the petitions to which I have referred, together with one on the same subject from the minister and inhabitants of Clapham.

The MARQUESS of NORMANBY. — It is not my intention to argue this important question, incidentally, on the presentation of a petition; and I shall, therefore, confine my observations simply to the point to which the papers moved for by the Most Reverend Prelate refer. In the first place, I fully admit that religious instruction ought to be provided where it is required. It is true that, in 1825, a corporation was established for managing the lands appropriated for the purposes of national education; but an alteration was subsequently made in that particular, on the ground that the appropriation of lands did not supply the best mode of furnishing support to the church. In 1829, it was intimated by his late Majesty, that the grant of lands would not be continued; and the grant has ceased since 1830. Subsequently, the system followed in New South Wales has been, that of furnishing religious instruction to all persons in proportion as the population has required it, — the state supplying one half of the expense; and the money supplied to New South Wales for this purpose shows that there exists no disposition on the part of the Government to withhold religious instruction from the members of the Church of England; — 17,948*l.* has been given to the Church of England, 5400*l.* to the Church of Scotland, and 5650*l.* to the Church of Rome. I need, now, only assure the Most Reverend Prelate, that I shall be ready to afford him every information as regards the papers for which he has moved.

The ARCHBISHOP of CANTERBURY. — I wish it to be understood that I do not complain of a want of liberality

on the part of the Government of New South Wales, but of the principle by which persons of all religious denominations are placed on the same footing.

The BISHOP of LONDON. — I cannot allow the principle announced by the Noble Marquess — that it is the duty of the state to afford religious instruction in proportion as it may be required — to pass unnoticed. That instruction should be imparted, not in proportion as it may be demanded, but in proportion to the destitute condition of the population.

The petitions were then read, and ordered to lie on the table; and motion for papers agreed to.

SCOTCH CHURCH.

The EARL of ABERDEEN presented petitions for the further endowment of, — of the minister, elders, congregation, and others of Saint David's, Kirkintilloch; and Saint Stephen's, Glasgow: and of inhabitants of Comrie; Drumblade; and Crail. — Read, and ordered to lie on the table.

HILL COOLIES.

The MARQUESS of NORMANBY.— I beg to correct a misapprehension which has arisen in another place, as to my statement on a former evening relative to Hill Coolies. I believe I was understood by Noble Lords to say, not that Governor Light had made no Report on the subject of the condition of the Hill Coolies, but that I had not seen the Report of the particular "Immigrant Commissioners" to which the Noble Baron opposite, at the time, alluded. On that occasion, I stated that I had received a Report from Governor Light, and that it had met with my most serious attention. The complaints relate to two estates in particular; and I am bound to say that, after the Governor had taken all the steps in his power to inquire into the facts, he came to the conclusion that, with the exception of those two estates, the general condition of the unfortunate people on those properties was not so bad as it had been stated. I purpose laying on the table, to-morrow, all the papers relating to the subject.

LORD BROUGHAM. — Does the Noble Marquess mean to say that Governor Light's statement only is, that, as compared with their condition on the two estates in question, the condition of the Hill Coolies on the other estates is "not so bad?" Because, if he do, that is only saying that they are not in the most abject and miserable condition possible.

The MARQUESS of NORMANBY.— Governor Light states instances of neglect on two estates; but the general treatment of the Hill Coolies, as far as regards the attention paid to their physical wants, is not so bad as was represented.

LORD ELLENBOROUGH. — It appears that the Hill Coolies were in a bad condition when landed; and therefore the inquiry ought to be extended into their previous treatment on board ship.

COPYHOLD ENFRANCHISEMENT BILL.

LORD BROUGHAM. — I rise to give notice that on Tuesday next I shall move the second reading of a most important Bill just come up from the Commons — the Copyhold Enfranchisement Bill. I am aware, in making this proposition, it may be said that I come within the scope of my own observations as to the impropriety of considering Bills at so late a period of the Session; but this is not a Government Bill.

[Laughter on the Treasury bench.]

Oh! well: it is not my Bill; and if the Government do not choose that I should take charge of it, I leave it with them. The Bill comes from the Real Property Commissioners. I wash my hands of it.

LORD LYNDHURST.—Will the Noble Viscount state whether or not it is the intention of Government to proceed, this Session, with the Copyhold Enfranchisement Bill? It is a measure of great importance.

VISCOUNT MELBOURNE. — I will consider of it.

WAR IN THE EAST.

LORD BROUGHAM. — I beg to ask my Noble Friend at the head of the Government, whether there is any truth in the report that war has actually broken out between Turkey and Egypt? I have, two or three times, been told by my Noble Friend, during the Session, when I ventured to make inquiries on that subject, that there was every reason to believe peace would be preserved. But, according to report, not only has war broken out, but the Ottoman army has been totally destroyed.

VISCOUNT MELBOURNE. — The only account the Government have received

is the same as that which has been received at Marseilles,—namely, that the Ottoman army has been totally discomfited.

LORD BROUGHAM.—Discomfited! The accounts state that the army has been totally destroyed.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

LORD FITZGERALD and VESCI.—My Lords, in pursuance of the prayer of the petition presented by me, on Tuesday last, from the inhabitants of Galway, who desire that the proposed limits of that borough may be altered, or that it may be removed from Schedule A to Schedule B, I will now move, as I cannot conveniently propose to alter the limits here assigned,—(the clause relating to the imposition of a tax),—that the borough of Galway be placed in Schedule B. I must therefore submit to the other alternative, that the town of Galway be placed in Schedule B, I could have wished that this subject had been brought forward by one more favourable to municipal corporations in Ireland than I am; but I consider myself justified in the course I am now taking, in consequence of a letter I have received from an Honourable Gentleman, who is one of the representatives of Galway,—with whom, however, I do not concur in his general political opinions, because he is one of the most anxious supporters of the Government. In that letter, the Honourable Gentleman states that the petition which I recently presented was signed by almost every person of consideration in the town of Galway; that he unquestionably believes it to express the general feelings of the inhabitants of the town; and that he intended to make a motion on the subject in the House of Commons, but was prevented from doing so, and therefore he wished me to undertake it in the House of Lords. About three years ago I made a proposition to your Lordships, which was acquiesced in by many, for the entire abolition of municipal institutions in Ireland. I felt, however, that the general opinion of Ireland in favour of them ought to prevail, and I therefore admitted the principle of this Bill; but I did not at that time foresee that your Lordships would have applications from large towns in Ireland, to be relieved from what they consider the great burden of corporations. At the same time, it would not be fair if I did not state that there are circumstances which are applicable to Galway, which do not apply to other towns. The people of that town have, in fact, under two Acts of Parliament, the advantages, already, to a great extent, of municipal institutions. I state this, lest it should be supposed that they are adverse to corporations or corporation reform. The reason why I have made these observations at this time is, that the schedule is at the end, whilst the clauses that are, in fact, consequential upon it, are in a position in the Bill, antecedent to it; and as it will be necessary to amend some of those clauses, I will not now proceed to submit any amendments, unless I receive from your Lordships authority to remove Galway from the schedule in which it is now found. If it were placed in Schedule B, it would, under the provisions of this Bill, be entitled to apply to the Crown for a charter of incorporation at any time.

VISCOUNT MELBOURNE.—It has been considered desirable to impose the duty of a corporation on this town; and I do not think either the petition, or the letter of the Honourable Member for Galway, quite sufficient authority for removing it from Schedule A, or for your Lordships to consider that it is the real wish of the inhabitants not to have a corporation.

The EARL of WICKLOW.—I think it would be great injustice to towns, to enact that, in this new system of corporations, any part of a neighbouring county which is not connected with a town should be taxed for the benefit of that town. If towns have corporations, they ought to raise sufficient money for bearing their own expenses. The petition, and the letter of the Honourable Member, may be sufficient to show that Galway is anxious to be relieved from the burden of a corporation; but they are not sufficient warrant for your Lordships to relieve one of the largest towns in the kingdom from the operation of this Bill. At the same time, I wish the Bill had been so framed that every town in Schedule A might, on the expressed wish of the inhabitants, be placed in Schedule B. In my opinion, corporations, however advantageous they may be in the eyes of some, ought not to be forced on any town whatever. You should be governed, in granting them, on the application of a majority of the inhabitants. If the instruction of the Noble Lord went to that effect, I would give it my support; but I do not think the petition is a sufficient ground for inducing your Lordships to place the town of Galway in Schedule B.

LORD ELLENBOROUGH.—The Noble Viscount opposite seems to think, not merely that your Lordships should

look to the wishes of the inhabitants of a town, in order to ascertain whether they require a corporation, or not; but that, if the townspeople think they do not, and your Lordships think the contrary, it is still proper to impose one on them. The Noble Viscount's observation, however, does not apply to this particular case. It may be right to respect the opinions of a town, where there already exists not any popular local government; but there is this difference in the present case, — that Galway has a popular government. The petitioners only say they prefer their own local government to a corporation; and therefore desire that their town may be placed in Schedule B. It appears to me that nothing can be fairer than this prayer, and I hope your Lordships will allow it.

EARL FITZWILLIAM. — I beg to ask when this feeling first appeared in Galway against a corporation?

LORD FITZGERALD and VESCI. — It has existed some time; and a petition has been presented to the other House on the subject. With respect to what the Noble Viscount says as to this petition not expressing the real wishes of the inhabitants, I must say, I know of no stronger testimony to those wishes than the presentation of petitions by a Peer of this House, and a Member of the other.

The DUKE of WELLINGTON. — I understood that the people of Ireland were to have corporations because they desired them; but now it appears, from the observations of the Noble Viscount, that the gift of these corporations is a burden imposed on them. The duty of municipal administration is required of them, whether they wish it or not. It does not signify what they wish for; the duty is imposed on them, and they must have this Bill, even if they do not require it.

VISCOUNT MELBOURNE. — I beg to observe that I used the word "duty," and not "burden."

EARL FITZWILLIAM. — I asked when this feeling had arisen in Galway, for the purpose of learning whether it had existed any length of time, or had only recently sprung up? As I understood the Noble Baron, the feeling is one of only recent existence.

LORD FITZGERALD and VESCI. — What I stated was, that a petition on the subject had been presented in the other House, but that the Honourable Member who presented it was prevented from making any motion on the subject.

EARL FITZWILLIAM. — This objection was not taken when the former Bill was before the House.

LORD FITZGERALD and VESCI. — There was no proposition of the kind, when the former Bill was sent up from the Commons; and after your Lordships had introduced it, the Bill was lost immediately on being returned to the other House.

LORD STUART DE DECIES. — I beg to ask whether the petition emanated from a public meeting?

LORD FITZGERALD and VESCI. — I, the other evening, stated that it did.

VISCOUNT MELBOURNE. — My idea is, that if this petition be adopted, there will be a counter petition. It may be true that it is signed by all the respectable people in the town; but it is not to be inferred that they form the majority.

LORD FITZGERALD and VESCI. — I believe I stated that the petition was signed by 200 persons; and as the town consists of 16,000 inhabitants, they, of course, do not form the majority.

The motion, "That it be an instruction to the committee to remove the town of Galway from Schedule A to Schedule B," was then agreed to.

On the question, "That the House go into committee," being again put, —

LORD LYNDHURST said: — My Lords, as it is my intention, when the Bill shall be in committee, to propose several amendments, I shall best consult your Lordships' convenience, by adopting a course similar to that which I took in the last Session, in a similar stage of this Bill, —namely, by stating, before going into the committee, the general nature and scope of the amendments which I intend to submit. This, I conceive, will be a more intelligible course, than that of waiting to announce each particular amendment till the clause to which it refers shall come on for discussion in its turn. Before I make this statement, I will, for a short time, advert to what fell from my Noble and Learned Friend (Lord Brougham) on a former evening: I allude to those forcible remarks which you heard from my Noble and Learned Friend, touching the delay which had occurred in the bringing up of

this Bill to your Lordships' House. Those observations induced me to make some inquiries into the progress of the Bill; and these inquiries have disclosed so great a degree of neglect on the part of the Government, that I conceive I should be wanting in the discharge of my duty, if I did not detail the results to your Lordships. My Noble and Learned Friend truly said that the subject of the Bill now before your Lordships was adverted to in the Speech from the throne, at the opening of the Session, as a question deeply affecting the interests of Ireland. On that account, one would have thought that the Bill would have been prepared before Parliament met, so as to have been laid on the table on the very first day of the Session, —and the more particularly, as it had relation to a subject which has now been under the consideration of the Government for four or five years, and has frequently come under discussion in Parliament. Notwithstanding this, however, it was not till the 19th of February that the Bill was brought into the other House; and then, though it was known that no serious intention existed of opposing the second reading, that stage of the Bill was fixed for the 8th of March — a period of nearly a month subsequent to its first reading. From the 8th, it was further postponed to the 22d of March; and then, without any cause being assigned, the discussion of it was passed over the Easter holydays. It was next fixed for the 15th of April; so that nearly three months were allowed to pass before any considerable progress was made in the Bill. It was then postponed from the 15th to the 18th, and thence to the 19th, of the same month; and what took place then? For the delays in all these steps, which I have just enumerated, her Majesty's Ministers are responsible, for they had the care of the Bill. On the 19th of April, the Bill went into committee *pro formâ*, for the purpose of receiving thirty-four clauses, which, if ordinary diligence and despatch had been used in framing the Bill, ought to have been in it on its first introduction. What followed the insertion of these clauses? It was necessary that they should be printed. That was ordered; and the 3d of May was fixed for taking them into consideration. Well; what occurred on that day? It was found that they had not been printed, though Ministers had directed that they should be ready, and were responsible for them. A further postponement took place to the 10th of May; but on that day it was still found that they were not ready, and another postponement was agreed to, to the 17th. The 17th of May arrived, and the amendments were not yet in print; so the committee was once more put off to the 31st of May: but your Lordships will, perhaps, be somewhat surprised to be informed, that even then the prints were not ready, and a further postponement took place to the 7th of June; and it was only on the 6th that the prints were ready and put into circulation amongst Members of Parliament. The consideration of the amendments in committee was again deferred to the 21st of June; and, from that date, — for no reason that I can learn, — was still postponed to the 28th of that month. And here I will call the attention of your Lordships to a singular circumstance, — from which, however, I will draw no conclusion. Two or three days before Ministers gave notice of their intention of going seriously into the subject, — for so many postponements had taken place, that many believed it was not intended to make any further progress in the measure during the present Session, and that this intention had been only relinquished in consequence of a mandate from some highly influential quarter; but be that as it may, I find, in an Irish newspaper, the *Pilot*, — (a paper which, it is generally understood, is in the confidence, and speaks the sentiments, of an individual who is said to take a very prominent part in carrying on the affairs of Ireland, through the agency of her Majesty's Ministers); — I find, I say, in the paper to which I refer, — in the *Pilot*, of the 21st of June, — a paragraph to this effect: —

> Nearly five months of the present Session have passed away, and no one measure of public benefit has been carried.

This is introductory to the next paragraph: —

> The public, the real wellwishers of the Government, begin to ask, "What has become of the Irish Municipal Corporations Bill? It would be shocking to have the government of the old Tory corporations prolonged for another year."

This appeared on Friday, the 21st of June, in Dublin. It would arrive in London on the Monday following; and it was on the Tuesday or Wednesday after, that Ministers did first give any indication of going on seriously with the Bill. It may be surmised, by some of your Lordships, that it was this intention which led her Majesty's Ministers actually to proceed with the measure on the 28th of June; but I am sure that those who best know them will not arrive at the same conclusion. On the 4th of July, the House went into committee on the Bill, when the whole of the 250 clauses of which it con-

sists were gone through in four or five hours, during which there were also four divisions. Now, some persons might, from hence, have supposed that her Majesty's Ministers were not disposed to go on with the Bill, this Session; but that, on the contrary, they were willing that the grievances, or alleged grievances, of the Tory corporations should linger on for another year. I own that I did not come to that conclusion; but this I will say, — that a greater degree of disrespect towards your Lordships, a greater degree of neglect, greater supineness, was never shown by any Government in the progress of any public measure, than has been exhibited with respect to this Bill.

Now, with respect to the Bill, and to the amendments which I intend to propose, I would observe, that the old, or Protestant, corporations of Ireland were instituted for the support of the Protestant religion in that country. The very framework of those corporations shows that they were intended for that purpose. It is said that the power of those bodies has been much abused, and that they should be abolished. I do not deny that abuses have crept into them; but I contend that the charges made as to those abuses are altogether *ex parte*, and that they are greatly exaggerated. Still, as some abuses do exist, I should be ready for such a change as this Bill proposes, if I thought it possible to establish neutral corporations instead of those now existing, — if I could get corporations which would be neutral in politics and neutral in religion: — but I deny that the Bill now before your Lordships would be attended with any such results. Any person who can gravely expect such a result, must, indeed, be very extensively indulging in flights of fancy. I assert that, if this Bill pass as it now stands, we shall have, in all the towns of Ireland, — with the exception of a few in the northern parts of that country, — Roman Catholic and Radical mayors, Roman Catholic and Radical town councillors, Roman Catholic and Radical magistrates; and, when we see that the police force will become, every day, more and more Roman Catholic, what, let me ask, in case of any tumult or excitement, is to become of the Protestant inhabitants of those towns? My Lords, the effect of this Bill will be to root Protestantism out of Ireland, if I may so express myself. Passed in its present shape, it will be — to use the language of a Noble Earl (the Earl of Roden) on a former evening — "another of the 'heavy blows,' and another 'grave discouragement,' dealt out by the Noble Viscount to the Protestant religion in Ireland." I have looked into the course pursued in the elections of guardians under the New Poor Law Act in Ireland; and I there find, on authority which cannot be disputed, that those elections are, in many places, carried on under the direction of the Roman Catholic priests; that there are lists called the "priests' lists;" that meetings are held, at which the priests preside; and that, however respectable individuals may be, they have little or no chance of being elected, unless they are on these "priests' lists." The electors are told, "You may elect others as respectable as those in this list — but unanimity is important, and you must not alter this;" and it frequently happens that the altars are profaned by denunciations against those who offer any opposition to the favoured list. Is there not every reason to believe that similar courses will be adopted with respect to the election of the officers in municipal corporations? If I look at home, I shall find, in the recent events in one of our great towns, enough to lead me not to rely much on Radical magistrates and Radical town councillors. How little, then, can I rely on the Members of corporations in Ireland, where political differences are greatly heightened and inflamed by religious prejudices! Though I concur in most of what was stated, on a former evening, by a Noble Earl (the Earl of Roden), yet I did not vote with him against the second reading, because, after what has been already done on this question, I thought we ought to permit the second reading. I will, therefore, proceed to the committee; and, if your Lordships should not agree to the amendments which I propose, I shall then feel it my duty to object to the Bill altogether on the third reading.

I now come to these amendments. They are not so numerous as those brought forward last year, because the Commons have since adopted many of the amendments which your Lordships then made. The first, most material, and vital amendment, is — that which relates to the qualification of voters. I, and those Noble Lords who concur with me, proposed, last year, that the qualification should be the occupation of a house of the value of 10*l.* To that, in principle, we still mean to adhere. Your Lordships must see that, when we mention a house of 10*l.* yearly value, that means a *bonâ fide* 10*l.* value. I can show, by reference to the evidence taken before the Committee on Fictitious Votes, that the value of a house in Ireland is made to fluctuate in an ascending or descending scale, according to the object of the party. I must, therefore, have some test for as-

certaining that value. My Noble Friend, the Noble Duke near me, on a former occasion, expressed a hope that the establishment of a poor law in Ireland would afford some certain check or standard by which to fix the valuation. I, and those Noble and Learned Lords who act with me, intend to adhere to this in the proposed amendment. If the parties are rated by the commissioners at 10*l.*, and pay according to that rating, they may act and vote as burgesses in the election of municipal officers. We think this is the best test, as we place great reliance on those who are intrusted with this power of determining the value. However, I, and my Noble Friends who act with me, are disposed to take the qualification clause on the same ground as the clause establishing the right to the parliamentary franchise in England in the Reform Act. The revising barristers — whether wisely or otherwise, I will not stop to inquire — acted upon the principle, that the 10*l.* value was to include, not only the rent, but the allowance made by the landlord for repairs and insurance. This would make the municipal franchise higher in Ireland than the elective franchise in this country; but to obviate any objection on this score, my Noble Friends and I will consent that, where the rent and the allowance for repairs and insurance make altogether 10*l.*, the party holding it shall possess the municipal franchise. But the present Bill goes further than that, and proposes a new qualification. By the Bill, the present qualification is to last only for three years after the Act comes into operation. At the end of this period, the municipal qualification is to consist in a three years' occupation of a house of any value or of any rating. To this I most decidedly object. If any necessity shall arise for making any alteration in the Bill, let it be made at a time when all the facts are before us; but let us not legislate prospectively. I shall, therefore, propose to your Lordships to reject this part of the Bill. I now beg to direct your Lordships' attention to another principal amendment, which I shall propose. First, as to the appointment of sheriffs. The appointment of sheriffs in the counties of cities and counties of towns is thus far in the municipal council, — that they return three to the lord lieutenant, who appoints one; and if he reject the whole three, they return three more; and so on till the proper appointment be made. I shall propose that the appointment of sheriffs shall be on the same footing as in the counties at large.

Having said thus much as to sheriffs, let me call the attention of your Lordships to the committee for investigating the mode of appointing sheriffs in Ireland. This committee has been productive of great good in Ireland. In the latter part of last year, there had been no deviation from the old constitutional practice of consulting the judges of assize. I now come to the charity clause. I do not mean to object to this clause; but there are two schools in Dublin, — the Blue-coat School, and Erasmus Smith's School, — which, being established for Protestant purposes, should be placed under Protestant trustees. I propose to apply the same principle to these schools, as has been applied to the school of Louth, in Lincolnshire. Another amendment which I shall move, regards the subject of compensation. When we deprive persons of offices to which they are legally entitled, which they have long held, and under the faith of which they have acted, it is the duty, I think, of the Government, to provide the most ample compensation for them. Their deprivation is a sacrifice made for the benefit of the public, and the public ought to indemnify the parties called on to make such sacrifice. I approve of the compensation clause inserted in the English Municipal Bill, with one addition. When the compensation clause for the English Municipal Bill was before us, it was at last agreed to refer it to the liberality of the Noble Viscount (Viscount Melbourne) opposite; and the Noble Viscount, acting as I presumed he would act, drew up a minute of a most liberal kind, as the basis and the rule of compensation. What I propose is, that this minute shall be entered, and form part of the clause respecting compensation, to serve as a guide to the commissioners, by whom compensation is to be awarded. I will take the Noble Lord's principle, and insert it into the clause, therefore, for the guidance of those who are to award compensation. The next point to which I beg to call your Lordships' attention is, that after the clauses relating to the grand jury, on that 19th of April to which I have referred, thirty-four new clauses were introduced into the Bill. Several of these clauses relate to grand jury presentments, and transfer from the grand juries, to the town councils, the power of raising money on these presentments. I object to these clauses; they were an afterthought introduced in the month of April, as I have stated. I object to them for these reasons, among others: — In the first place, they relate to many Acts of Parliament, containing many complicated clauses. We have

not time, at this period of the Session, to enter into the full consideration of the subject. This is one ground on which I object to these clauses; and I object to them the more, because a Bill might be brought in at a future period, if it were desirable, directing our attention to this subject. Another reason why I am opposed to these clauses is this,—that, according to the system as it at present exists, there are some checks on it: the presentments may be traversed; the consent of a judge is required; — these, and other conditions of this kind, will be done away with in this Bill. Now, with respect to the charters, we should be very circumspect. The Municipal Corporation Bill for England says "a charter shall be granted on the petition of the inhabitants." What is the meaning of these words? A majority of the inhabitants. When it is said that a charter shall be granted to the wish of a class of persons, I presume it is to be granted to the wish of the majority of the inhabitants. With respect to Birmingham, for instance, the charter has been granted on the petition of 1700 of the inhabitants of that vast town.

The MARQUESS of LANSDOWNE. — Of those who expressed an opinion on the matter.

LORD LYNDHURST.—The majority of those who expressed an opinion. It will be matter for serious inquiry whether that was in accordance with the Act of Parliament, which says that a charter shall be granted to the prayer of the inhabitants: and whether the fact of a small portion of the inhabitants, coming forward and expressing an opinion, can be, in point of law, considered as the wish of the majority of the inhabitants, may give rise to grave considerations. What I wish enacted in this Bill is, that it shall be only to the declared wish of the majority of the inhabitant householders, that a charter shall be granted. But, again, I do not think it reasonable that the majority of inhabitant householders should have the power of imposing a charter upon a town; I think it ought to be a majority of substantial householders. What I propose, therefore, is, that a charter shall be granted only on the petition of a majority of inhabitant householders, rated at such rates, as would entitle them to act as burgesses under such a charter. This is the amendment I intend to propose on this subject. It is necessary, by this Bill, to provide for an important contingency. Some of the corporations in Schedule B may not apply for a charter; they are possessed of considerable property, — at least, some of them; and therefore a provision must be made for the management of that property. In the last Session of Parliament, I introduced various clauses, for the purpose of providing that commissioners should be selected by the majority of those who would be entitled, as burgesses, to vote for members of the town council; — that they should be the commissioners to manage this species of property. This set of clauses should be annexed to the Bill for the management of the corporate property of such towns as do not choose to petition for a charter. These are the clauses which I introduced, and which were carried without opposition. But, in the present Bill, it is declared that this property can be properly managed by the commissioners elected under the 9th of Geo. IV. I object to this part, because the qualification to vote at the election of these commissioners amounts only to 5*l*. I think we shall have much more respectable commissioners elected, if we raise the qualification for voting for commissioners to those who occupy houses of 10*l*. a-year rent. I have stated, shortly and generally, the nature of the amendments I intend to propose: they are, most of them, very simple; they will be very easily understood, when read; but, at the same time, I must state to your Lordships, that, when you have to express many provisions in detail, these things run very often to a great length; and I think it right to put your Lordships into the possession of the general scope of the alterations I intend to propose, in order, when you shall so see them in detail, that you may the more readily comprehend them. I beg leave to state that, if your Lordships adopt these alterations, I am certainly one of those who will cordially support the third reading of this Bill; but, on the other hand, if you should be of opinion that these amendments are not proper to be received, and that the Bill ought to remain in anything like its present shape, I shall feel it my duty, in conjunction with many Noble Lords on this side of the House, to give to the third reading my warmest and most strenuous opposition.

LORD BROUGHAM. — After every consideration I have been enabled to bestow upon the measure, I differ entirely from my Noble and Learned Friend. In the first part of his statements I entirely concur with him, — I mean with respect to the length of time which elapsed between the beginning of the Session and the 28th of June, when the Bill was effectually proceeded with for the first time. Notwithstanding that my opinion

has been confirmed, and not weakened, on this point, by the able elucidation given, as to the delays which have interposed at the several stages of this Bill, by my Noble and Learned Friend, — yet I still remain of opinion that we have time sufficient, late though it be in the Session, for giving full attention to this Bill, and to produce such a measure, eventually, as should pass into a law. My Noble and Learned Friend has taken a very convenient course: he has given a detail of the alterations he wishes to propose, in that luminous way in which no man ever surpasses him; and nothing can be better than such a plan, — for we have now the whole system before us. I shall follow him in the same course, stating my objections, now, generally. The first objection the Noble Lord took was of a rather formidable shape; it seemed to go against granting any corporations to Ireland at all; though I did not understand my Noble Friend to carry his opinions so far as his arguments. His opinion is in favour of abolishing the present corporations; his arguments went against all substitution of new for old corporations, — first, because the old corporations are the strongholds of the Protestant interest; but yet my Noble and Learned Friend has no objection to raze these strongholds to the ground, and leave the Protestant interest without them. My Noble and Learned Friend then said there would be, to each corporation, a Roman Catholic and Radical mayor. "Radical" is rather a rounding of the sentence.

LORD LYNDHURST. — No, no; I think the one of full as much consequence as the other.

LORD BROUGHAM. — Very well. He said, a Catholic and Radical mayor and magistracy. If this be an evil, it is one, essentially inherent in the nature and circumstances of the case; and we cannot do without it, more or less. It is a result not attendant on this Bill alone, but on any measure. It must be the result of any organisation, whatever machinery we may invent, in a measure of a popular nature, which must be worked by the people, where the people are divided in those proportions in which the sects in religion and party politics are found to be in that country. It will be the case all over Ireland, whatever measure we may contrive and put in motion for municipal purposes. The reason why we are ever likely to have a Roman Catholic mayor, and council, and magistrates, if an election should call these powers into existence, is neither more nor less than this, — that we have six or seven Catholics for one Protestant in Ireland; and if there is to be a vote, the majority generally turns an election, and the scale of the Protestants must needs kick the beam. My Noble and Learned Friend intimated that he wished some means could be devised (and, if there could be, he would support the measure) of finding constituencies in Ireland neutral in this respect — neutral in religion, and neutral in politics. This is an odd sort of thing, because it means a man who is neither one thing nor another. A neutral in religion is an Atheist; a neutral in politics is not quite so rare, though I believe such an individual is rather rare too. I think, if a neutral in religion could be found, we might regard him as something to shut up in a cage; but if a neutral in politics could be found, he ought to be regarded as a curiosity, to be shut up in a museum; and therefore I think we must just take men as we find them. I cannot help thinking that the best way to put an end to these conflicts is, that the Legislature should not at every step make them conspicuous. If your Lordships always assume it as a matter of course that six out of seven are of a different religion to the other seventh, and form your measures to meet this difference of opinion, the religious jars which exist at present will be lessened; because they acquire a sort of countenance from the Legislature continually noticing and providing for them. The people will say, "If you treat us as irreconcileable heretics, we will take you at your word, and be as you suppose us;" just as if you take men or women, and treat them as persons of bad and abandoned character, they seem determined that they who treat them so, shall not be mistaken in them. The first objection which my Noble and Learned Friend has to the Bill is to the 8*l.* qualification, and he would make it 10*l.* I do not think there is 2*l.* difference between them; I do not think there is 20*s.*; and I put it to your Lordships, — is it worth while entering into a conflict with this side of the House, and with the other House of Parliament, which sent up the Bill, on a difference of 20*s.*? I should be inclined to go further than the Bill, and think that, instead of the 8*l.* qualification, household suffrage ought to be adopted as the scale of suffrage. In England, the Municipal Corporation Bill gives household suffrage; but, for Ireland, it is made an 8*l.* qualification. An 8*l.* house in Ireland must be worth a great deal more than one at that rate in England! I have no doubt it is equal to a 20*l.* house in this country!

I think, if this Bill be exceptionable at all, it is so, not from giving too low a qualification, but from giving too high a one. I had much rather the qualification were wholly removed. There is, perhaps, an improvement with respect to the particular mode in which my Noble and Learned Friend means to calculate the qualification. The next point to which he referred had relation to the period of three years, after which, there is to be the household qualification ——

LORD LYNDHURST. — Yes; three years after the Bill comes into operation.

LORD BROUGHAM. — This is unusual, no doubt; but still there may be a reason in the peculiar circumstances of the case, because it is admitted that every man who occupies a house ought not to have a vote; it must be a house rated, and I believe that there is not yet that test provided; the experiment must have time.

The MARQUESS of LANSDOWNE. — That is the reason.

LORD BROUGHAM. — The next point relates to the appointment of sheriffs. My Noble Friend sees no reason whatever why cities should not have sheriffs chosen for the counties. It is very well known that in England we have sheriffs chosen by corporations for cities. I do not think it is of very great moment, whichever way this point goes. But with respect to the magistrates, to whom my Noble Friend has referred, and who have lately, as appointed under this system, given great dissatisfaction in the centre of the island, — and to which mode of appointment my Noble Friend objects, — I will merely express my opinion, that what has so occurred has not been owing to the system. With regard to another point, — the granting charters, — I certainly am inclined to agree that there is some difficulty with respect to this clause in the English Municipal Act, in the 141st section, which says that a town shall have a charter where the inhabitants of the place ask for it. I am inclined to hold the same opinion as the Noble Lord. I think that my Noble and Learned Friend may have some ground for his remarks respecting the mode of taking the sense of the population; but I do not think it will ever do to say that we will not give a corporation, unless where a majority of the 10*l.* householders of a town desire it. This will not do, I think; for it ought to be a majority assembled in a public meeting, called by a particular notice, — otherwise it would be the most difficult thing in the world to find the majority of householders. The suggestions, then, which I will venture to offer for my Noble and Learned Friend's consideration are, that the Bill shall point out what notice ought to be given of the meeting; how long before the day of meeting it should be issued; how the meeting is to be convened; by whom it is to be presided over; and then, that a majority of the meeting so holden, being 10*l.* householders, shall constitute a majority for the purposes of this part of the Bill. But, besides this, there must be added another clause, enacting, that if, in any case, a charter be granted under the great seal, it shall not be repealable, if it be discovered, afterwards, that an actual majority of voters was not present at such meeting. Having now stated my views of the amendments proposed by my Noble and Learned Friend, I will only say, that, with respect to the general objects of the Bill, I remain of the same opinion, and shall give the same vote as I did last year; and I cannot help observing, that I do most earnestly hope that this is the last time that your Lordships will be called upon to consider the Irish Municipal Corporations Regulation Bill. The very name becomes somewhat tedious, — not from the length of the name itself, but from the length of time which it has been before the House. I do hope that your Lordships will come to some understanding among yourselves, so as to be able to pass this measure, which is deemed of so much importance — (I am not quite sure how truly) — to the welfare of Ireland; but which it becomes the more incumbent upon your Lordships to pass into law in such a shape as may be satisfactory, from the very circumstance of its being deemed of vital importance by a great number of persons in this country: and I do earnestly hope that the alterations which may be made in the measure will be such as will not put in jeopardy the chance of its passing into a law; for if such were the course adopted, I should look upon it as a serious injury to British interests in Ireland, and as one which might prove a very considerable obstacle to putting — I will not say an end to, for that, I fear, is hopeless, but — a check upon, the animosities which unfortunately prevail in that country.

LORD LYNDHURST. — My Lords, I rise to explain an expression, which my Noble and Learned Friend has put upon me with some of his usual pleasantry. I never spoke of an individual as neutral in religion; I was speaking of a body when

I used the words; I meant a neutral body with respect to religion,—which my Noble and Learned Friend knows may, in some cases, be organised.

LORD BROUGHAM. — I think that a body consisting of ten Protestants and ten Catholics cannot be a neutral body; but would, on the contrary, produce the greatest combustion of any kind of body that could be devised.

The EARL of WICKLOW. — The effect of the amendments proposed by the Noble and Learned Lord is not, in my opinion, such as can cause the rejection of the Bill in another place. With respect to the plan of qualification, as proposed by the Noble and Learned Lord, I think the amount of insurance and repairs will be found to be very small; and then, if the difference between the Noble and Learned Lord's system of a 10*l.* vote, and the present one of 8*l.*, be admitted to be practically very small, I apprehend that the change is undesirable, because very great inconvenience must arise from it. Under the plan of an 8*l.* vote, everything is clear and definite, because the amount is settled by the poor law valuators. But if we take the Noble and Learned Lord's plan, we must appoint new valuators. Moreover, there would be, in the corporate towns, according to the Noble and Learned Lord's plan, three valuations; — one, that of the poor rate; the other, that for the electoral franchise; the third, that for the municipal body. I consider the change, therefore, to be inexpedient. While I am on the subject, I will express my hope that the system of rating will lead to some new plan for ascertaining the qualification for the parliamentary franchise, — or, at least, will put a stop to much of the perjury which now takes place at elections. I also think that the qualification in Dublin should be higher than that in other places; and if my Noble and Learned Friend will propose a clause to that effect, I will give it my support. With respect to the prospective alteration of the franchise contained in the twenty-first clause of the Bill, I shall join my Noble and Learned Friend in opposing it. With regard to the subject of sheriffs, I am very much disposed to think that the appointment of those officers may be amended hereafter, when the new corporations have come into practice, — it being placed, in the mean time, in the hands of the Lord Lieutenant. But the Noble and Learned Lord said that he did not see why the sheriffs of counties, of cities and counties of towns should not be in the appointment of the Crown, as the sheriffs of counties at large are. Now, it is apparent that the Noble and Learned Lord, in saying this, forgot what he had stated in another part of his speech, — that his committee, on the appointment of sheriffs in Ireland, had had the effect, practically, of taking the appointments of sheriffs in counties out of the hands of the representatives of the Crown.

LORD LYNDHURST. — The Lord Lieutenant does now appoint one of three persons presented by the judges of assize.

The EARL of WICKLOW. — The Noble and Learned Lord, at least, did not make it clear in his speech, that there is the same mode of recommending three names in the counties of cities and towns.

LORD LYNDHURST. — Everybody knows the fact to be so.

The EARL of WICKLOW. — I will only add, that I think that the amendments I have noticed, are all which can create any very great discussion; and if your Lordships can agree to these, I think we should have very little trouble with the rest, which principally relate to matters of detail.

LORD LYNDHURST. — In answer to the observation of the Noble Earl, that there will be three valuations, I beg to say that there will be only one — that for the poor rate; and all that is requisite to establish it has been done already in the schedule to the Poor Relief Act, in anticipation of this very measure.

LORD BROUGHAM. — I think there would be, at any rate, three registers. That is what the Noble Earl means, I suppose.

The MARQUESS of WESTMEATH. — I shall coincide with the Noble and Learned Lord in all the amendments which he proposes; but if the Bill gives any power to impose new taxes for the payment of salaries, or other purposes, the Irish people would not, I am sure, desire it, and I must, then, oppose it, and divide the House on every opportunity.

The House then went into committee.

On Clause 21. being proposed, —

LORD LYNDHURST said: — I beg leave to propose that the words "during the first three years next" be struck out. The Bill limits the qualification to the first three years of the operation of the mea-

sure; my amendment goes to make the qualification continuous.

Agreed to.

LORD LYNDHURST.—I beg leave now to move an amendment in the latter part of the clause, to the effect that the qualification be raised from a rating of 8*l.* annual value, to one of 10*l.*

VISCOUNT MELBOURNE. — My Lords, after the very clear and able manner in which this point has been argued, upon former occasions, it is unnecessary for me now to enter into any general discussion of it. I think no argument is required to prove that the amount of qualification ought to be proportioned to the situation and condition of the borough to which it is applied. The towns of Ireland are, unquestionably, far poorer than those of England; and the rents are much lower. Under these circumstances, to impose a higher qualification as to them, than that established as to towns in England, appears to me to be one of the most monstrous absurdities, and grossest acts of injustice, of which a legislative body could be guilty. It would be better to oppose the Bill in a manly way, upon the grounds stated by the Noble and Learned Lord opposite, than to attempt to defeat it by introducing a principle, involving a total change of its spirit and character. This is, in fact, the main clause of the Bill. I do not pretend to say what might be the consequence of altering it in the proposed manner; but I do say, that if it be really wished to settle this question, it is acting most unwisely and imprudently thus to raise up obstacles to the success of such a wish. Your Lordships must feel assured that a tenement rated at 8*l.* a-year to the poor-rate is as good security, and as sufficient a qualification, as, in the present state of Ireland, it is possible to obtain. It is such a qualification as was offered and adopted by the House of Commons, and, if adopted by your Lordships, will probably bring this question to an amicable conclusion; — whereas, they who propose this amendment are acting for no worthy object, as I conceive, and for no sufficient object, but are thus raising up difficulties in the way of that end which your Lordships have all admitted to be desirable — the ultimate adoption of this measure: — therefore, I feel it my duty to take the sense of the House against the amendment of the Noble and Learned Lord, — which I really do consider to be, in itself, both absurd and unjust.

The DUKE of WELLINGTON.—My Lords, notwithstanding the Noble Viscount has just been pleased to stigmatise the conduct of Noble Lords near me, in relation to this Bill, as unjust and absurd, — that which I have always had in view is, to take care that, in adjusting the corporate institutions of Ireland on a new basis, we should not work a revolution in all the towns in which the new arrangements are to come into operation. I consented to abolish the existing corporations, because they were constructed upon an exclusive principle, — because they were exclusively Protestant. I am desirous that the elective principle should be applied to the formation of new corporations; but I wish to apply it in such a manner as that they shall secure a fair and impartial administration of municipal affairs for the benefit of the inhabitants, and for the protection of property. This is the meaning of that impartiality to which my Noble Friend (Lord Lyndhurst) has adverted in the admirable speech he addressed to your Lordships, and to which the Noble and Learned Lord opposite objects. I believe that the qualification proposed by my Noble Friend, and the amendments which will be proposed on the other clauses, may render this Bill such, that, by passing it, we may hope to attain the objects which its framers profess to have in view. These are worthy objects, notwithstanding what the Noble Viscount has been pleased to insinuate. All that I can say upon the subject is, that I have no object in view in amending this Bill, which I consider to be other than a worthy one. I wish to establish corporations in the towns of Ireland, which may become the instruments of administering justice impartially, and of securing protection to persons and property, which may prevent the plunder of property for the purposes of patronage, or for any other improper object. The Noble Viscount has thrown out an insinuation against us, that we do not wish to see this Bill carried. I beg to remind your Lordships, that we have had this Bill under consideration for a few days, only. They who have had this Bill under their consideration during the whole of last summer, and who have had every opportunity of viewing it in all its parts, and have since had every opportunity of directing their attention towards it,—knowing, as they must have done, the opinion of your Lordships upon it, as well as the opinion of the other House of Parliament, — it is they who do not mean to carry the Bill, and not we, my Lords. They who, all this time, have taken no measures to modify the Bill in such a manner as

that it might have the support of your Lordships, as well as of the House of Commons, it is they who do not mean to carry it, — they who have brought it up to your Lordships at a time of the year when it is absolutely impossible to do more than discuss it in the manner in which we are now doing. We have thrown no impediment in the way of the Bill. It is they, — and not we, against whom the Noble Viscount was pleased to throw out his insinuations, — who do not mean to carry the Bill. If the Noble Viscount wish to find fault with our conduct, let him bring his charges fairly and openly, and not throw out his insinuations about unworthy motives; for I protest that we have come into this House with as fair, as honourable, as upright motives as can possibly actuate either himself, or any other Noble Lord on that side of the House.

The committee then divided; when there appeared —

For the amendment . .	93
Against it . . .	50
Majority	43

LORD LYNDHURST. — I would suggest that Noble Lords should not propose amendments likely to interfere with the Bill as it now stands; because, perhaps, they will find that their objects are secured by the amendments which I have proposed.

The Report of the amendments was then ordered to be received on Tuesday next, and the Lords summoned; and the Bill to be printed, with the amendments.

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER. — I beg to ask the Most Reverend Prelate near me, whether he intends to proceed, this night, with the third reading of the Church Discipline Bill?

The ARCHBISHOP of CANTERBURY. — Considering the lateness of the hour, I would not object to putting it off until Monday.

Several NOBLE LORDS. — Go on, go on!

The BISHOP of EXETER. — Rather than go on, I will move the adjournment of the House; because, when the Bill went into committee, it was promised, and distinctly understood, that a night should be given to its discussion; and it was on that condition that the question was not, on that occasion, fully entered into. Considering the lateness of the hour, and the importance of the subject, — there being many objectionable clauses in the Bill, — I think it impossible to have it fairly discussed, to-night. I should be sorry to be compelled to press the motion for an adjournment, remembering that there is other business before the House; but I shall avail myself of all the forms of the House, to resist going on with the Bill at this late hour.

LORD LYNDHURST. — I beg leave, before that point is settled, to move that the Custody of Infants Bill be committed *pro formâ*.

The BISHOP of EXETER. — I have no objection to that course.

CUSTODY OF INFANTS BILL.

Order of the Day for the House to be put into committee, and the Lords summoned, read: House in committee accordingly, and went through the Bill, with verbal amendments: the Report thereof to be received on Monday next, and the Lords summoned; and Bill to be printed, as amended.

CHURCH DISCIPLINE BILL.

The BISHOP of EXETER. — I move that this House do now adjourn.

LORD HOLLAND. — Really this proceeding of the Right Reverend Prelate seems to me a very strange one. The object of the Right Reverend Prelate is to have a discussion of the Church Discipline Bill; and, for the attainment of that object, he moves the adjournment of a full House, which is perfectly ready to enter upon the consideration of the measure.

The BISHOP of EXETER. — In reply to the Noble Baron, I have to state, that it is now ten o'clock; and I do not believe that, at this hour, the Bill has the least chance of receiving that full discussion which is rendered necessary by the alterations that have been made in it. When the Bill was waiting for committee, a distinct understanding was come to that its progress through committee should not be opposed, and that the discussion should be taken upon the third reading; but it was also clearly understood that the third reading should be brought on at a time

when the whole night could be given to the Bill. That was the distinct understanding; and, however strange it may appear, I shall feel it my duty to exercise my undoubted right, and to move the adjournment every half hour, in order to secure for the Bill that full discussion which is necessary.

EARL FITZWILLIAM. — I must say that it is not very complimentary to this House, that the Right Reverend Prelate should assume that, at four minutes past ten, your Lordships are either incapable or unwilling to give due attention to a measure of this kind. I know nothing of the engagement to which the Right Reverend Prelate alludes; but if there be any engagement, I should be glad to hear who the other party to that engagement is. When that other party states what has taken place, your Lordships will know who is in the right.

The EARL of DEVON. — As regards myself, I am a party to no engagement of the kind, nor do I know who is. It is clear that, in an engagement, there must be a second party to it; and I should be glad to hear from that party whether there is anything in the engagement in question, which would justify the impeding the discussion of the Bill, this night? The Right Reverend Prelate says it was agreed that there should be a full discussion on the third reading: there is nothing to prevent that from being had now; and, for my own part, I am quite ready to enter upon the defence of the changes that have been made in the Bill in committee. If it be irksome to the Right Reverend Prelate to state his objections to the Bill at a few minutes past ten, it must be equally irksome to myself to offer a reply, as I certainly shall, at a still later hour. I believe that it is the opinion of a large majority of the House that the Bill should be proceeded with without delay.

LORD WYNFORD. — I trust that my Right Reverend Friend will allow your Lordships to proceed with the Bill now. I have attended here three or four nights, with the purpose of taking part in the discussion on this measure, and am surprised that it has not been brought forward before.

The BISHOP of EXETER. — Well, my Lords, after what has taken place, I will not stop the discussion further.

On the question being put, "That the Bill be read a third time," —

The BISHOP of EXETER said: — This is a Bill which comes before your Lordships under peculiar circumstances, and with respect to which your Lordships are peculiarly situated. It was in a select committee for six weeks, and very great alterations have been made in the original Bill. Those alterations, no doubt, appear in the amended Bill; but still nobody has explained their object. I put it to the promoters of the measure, whether it would not be better, before going on with the discussion, to state the grounds on which those amendments were made?

The EARL of DEVON. — I am rather surprised at the Right Reverend Prelate's manifesting an appearance of ignorance at the alterations that have been made in committee; but as I am not disposed to speak in this House merely with the view of obtaining a rectory, — and as I am only anxious to render this measure as perfect as possible, — I shall not hesitate to expound the nature and objects of the Bill. I shall do so as shortly as possible; though I am aware that the Right Reverend Prelate seeks, by the course which he has now pursued, to obtain an advantage, by securing the right of answering my observations. This Bill stands in a peculiar situation. It is destined to encounter the opposition of the Right Reverend Prelate, and of those who think — with him — that the Bill does not give to the bishops so much power as they ought to have; and, on the other hand, it is likely to be resisted by those who consider that it gives more power to the bishops than it is desirable that they should possess. It frequently happens, however, that Bills which are the best entitled to support encounter the severest opposition. Your Lordships will recollect that this measure has been introduced with the view of getting rid of a number of courts which exist in different parts of the country for the trial of causes relating to the misconduct of spiritual persons; the proceedings in which courts are attended with great expense, delay, and uncertainty, occasioned, in a great degree, by the multiplicity of appeals allowed by law from decrees. The Bill, therefore, proposes to abolish those courts, and to submit all such causes to the Court of Arches; which court, by the registrar, is to have the power of taxing the costs, and of enforcing payment of them in the manner adopted in the superior ecclesiastical courts. A good deal of discussion took place in committee as to the propriety of altering the existing law. Very strong objections were entertained against in any way impugning the authority of the

bishops; and some of the members of the committee were of opinion that, while it was desirable that the diocesan should retain the power of adjudicating on minor charges against the clergy, where the forms of a regular trial would not be required, on the other hand it was inconsistent with the other occupations of the bishop, that he should preside over a regularly constituted court for the trial of clergymen, in which the proceedings would be conducted according to the ordinary rules of evidence. Accordingly, clauses were introduced, which give the diocesan the opportunity to pronounce sentence of suspension upon a clergyman, without the necessity for public proceedings, and thus without scandal or injury to character; at the same time a safeguard was provided against any undue favour being shown by the bishop. On the other hand, it was thought necessary that, in those cases in which it might be considered expedient to submit the conduct of the clergyman to a judicial decision by a court proceeding according to the rules of evidence and the forms of an ordinary court of justice, the bishop, from having, in the first instance, acted on the charges, and become as it were the promoter of the cause before the tribunal, should not himself be the judge on the occasion, but that the court should be presided over by a judge high in character and authority, and acting under all the responsibility attached by the law to the judicial office. A clause to effect this object has also been introduced. I believe I have now stated the effect of the alterations made in committee, as requested by the Right Reverend Prelate. The main object of them all is, to secure to the diocesan as much authority over his clergy as it is possible for him to exercise without assuming the character of a civil judge.

VISCOUNT CANTERBURY. — My Lords, although it is not my intention to oppose the third reading of this Bill, — nevertheless, I entertain very strong objections to the alterations which have been made in it in committee. I can understand that the preamble of this Bill expresses distinctly the feelings of the public, and it may be fit that legislation should take place in the matter. The preamble states, that it is desirable to have uniformity of proceedings in causes relating to the correction of clerks; that it is desirable to have those causes decided in one court; that the number of appeals should be diminished; and that the decision should be given, in all such cases, by a person presiding over a court of justice, subject to an appeal to her Majesty in council. That, in my opinion, will be a provision satisfactory to the public. But when the Noble Earl says that the Bill will prevent the circulation of scandal in cases of misconduct which are not of an aggravated nature, and that the bishops will have the power, in such cases, to preserve that scandal from being made public, then I must beg your Lordships to look at the provisions of the measure. And what do I find first? Why, it is provided that a copy of the charge of misconduct shall be deposited in the office of the registrar, which any one may inspect on the payment of 1*s.*; and it is also provided that copies of this charge may be obtained by any person for a moderate sum; — and all this, — before the suit is commenced, and before the person bringing forward the charge has entered into any guarantee to prosecute. Is, then, an individual to be allowed to circulate charges against a clergyman, haply of the most aggravated character — charges brought forward, perhaps, from a spirit of revenge, and without the slightest foundation in truth? Could such a proceeding prevent the circulation of scandal? or is it consistent with justice, to allow such charges to be thus made public, more particularly when the accusing party is not bound to prosecute? Now, such a course is not in furtherance of the objects contemplated by the preamble of the Bill, and it could not have been the intention of its framers to enact such a provision. Upon this point, therefore, I am sure that your Lordships will be of opinion that the charge, when made, should be less obnoxious to the individual, and less calculated to promote injustice. As the law at present stands, a clergyman cannot be deprived of his clerical character, except by sentence of a court. I can understand that great objections may be urged against the provisions of the Bill, on the score of personal severity and hardship. It might be very hard to bring a clergyman up from Northumberland or Cornwall to London, when he might have his cause tried in a country court. When this Bill went upstairs, it was found that England was divided into two provinces, of which York contained only four dioceses, and Canterbury the remaining twenty-two. It is impossible, therefore, to equalise the two provinces. At present there are eighty courts in which causes of this nature can be tried; and it is unreasonable to expect that all those should have the most learned judges to preside over them, or that there will be much uniformity in their practice; but these advantages might be secured, if we had only four or five courts. But another strange and contradictory provision in the Bill, as altered in com-

mittee, is, that, although the bishop is excluded from presiding over the court by which the accused clergyman is to be tried, yet he is allowed, in the first instance, upon depositions merely, to pronounce whether it is a case that ought to be tried, or not. I was not aware that the Bill was to have come on this evening; indeed, I was told that it would not. I shall not, however, oppose the Bill, as I approve of the objects contemplated by the preamble; but I feel now, what I have felt from the first moment the Bill went into committee, — that the enactments of the Bill are not altogether consistent with the preamble; that they press on individuals with an extreme degree of harshness and severity, amounting almost to injustice; and that they are in other respects not such as your Lordships would wish to pass out of your hands, in order to send them down to the House of Commons. I am the less unwilling to trouble your Lordships with the few observations which I have offered to you, because, at this point of the Session, no man can have the slightest expectation that the House of Commons will have sufficient time to enable them to pass the measure into a law. I should be glad, however, to hear a discussion on the merits of the Bill; as that may tend to mitigate, if it do not remove, its severities, — and not only this, but to promote the welfare of the public.

LORD WYNFORD. — My Lords, the objections that I have always entertained to this Bill are increased by the alterations that have been made in it in committee. Indeed, it was impossible that it could be amended, after the committee determined to hear no evidence but that of the framers of the Bill, who, differing from all the world (except those who have spent their lives in Doctors' Commons), think the practice of the ecclesiastical courts the best that can be devised to get at truth in a short time and at little expense. My Lords, I proposed to the committee that the chairman should ask leave of the House that we might have authority to examine witnesses, in order that I might be enabled to prove that this Bill would occasion an intolerable expense; but the chairman objected to the usual order, and would only consent to ask for leave to call the Judges of the Admiralty and Ecclesiastical Courts. As I would not consent to an application for this most extraordinary — this limited order,— my motion for an application for leave to examine witnesses was negatived. I have the greatest respect for both those learned judges; but they are not the persons from whom I should expect an unprejudiced account of the unnecessary length of the pleadings, and the imperfect mode of examining witnesses, — the two great causes of the expenses and delays of their courts. Sir John Nicholl — one of the most intelligent men with whom I was ever acquainted — was so much prejudiced in favour of the courts of which he was so distinguished a judge, that he used to say that the written interrogatories, used in those courts, elicited truth better than the *vivâ voce* examination of witnesses; but, although this was said by a person of such high authority, I never heard it assented to, except by some of the doctors and proctors. I know many gentlemen that would give better evidence on these matters than either the judges of Westminster or Doctors' Commons; but, as I could not obtain the testimony of these witnesses, the Bill came out of the committee with a clause in it enacting that, on the trials of criminous clerks, the pleadings there, and the mode of taking evidence, should be the same as had been heretofore used in causes in the Arches Court,— although what we were told by a Right Reverend Prelate was quite sufficient to deter us from sending any business to that court, until the pleadings in it were amended, and the mode of taking evidence altered. The Bishop of Llandaff told us that a proceeding, in an ordinary case of this kind, had lately been attended with above 200*l.* expense, and was depending nearly three years. It is true that the judge may require *vivâ voce* evidence; but it is not likely that a man who has been always accustomed to written depositions will ever do this. He understands depositions, — he has not been accustomed to examine witnesses. The judge cannot get rid of the other cause of expense and delay, — the prolix pleadings. My Noble and Learned Friend on the woolsack has said that, until a Bill be passed for trying criminous clerks, you cannot amend the practice of the ecclesiastical courts. It would seem to me better to amend the practice of these courts first; and not to send more cases to those courts, whilst it seems admitted that they are not in a proper state to try any causes whatever.

My Lords, I had the honour to sit under a commission, appointed some years ago, for remedying the abuses in our ecclesiastical courts,— then, and still, universally complained of. The mode of trying criminous clerks was considered the most crying of these abuses. Little has been yet done to remedy any of those abuses, although a very long and well-considered Report of the commissioners has been published many years. Your

Lordships will not doubt that the advice of these commissioners might be safely followed, when I mention their names; — the Most Reverend Primate; the Bishops of London, Durham, St. Asaph, and Bangor; the Chief Judges of the three courts of common law; the three Judges of the Admiralty and Ecclesiastical Courts; with Sir Herbert Jenner, Dr. Lushington, and some other eminent lawyers.

The best mode of trying clerks engaged their long and anxious attention; for the expense and delay of these trials in the ecclesiastical courts were considered as the greatest grievance that required a remedy. Did they recommend the adoption of proceedings in those cases, differing only from those then in use, in these respects, — that the causes were to originate in the archbishops' instead of in the diocesan courts, and giving power to the judges to examine witnesses *vivâ voce*, and direct issues? No; they recommended that the old — and, I think, the, now, only legal — proceedings in such cases should be revived, — that is, summary proceedings by the bishops, *in camerâ*. They declare these to be the least expensive and most expeditious modes of proceedings, and, in every respect, the proceedings best adapted to cases of this kind. Indeed, they declare that bishops, only, can pronounce sentences of deprivation, — sentences which justice often requires should be pronounced in such cases; and it appears, from 1 Hen. VII., that none but bishops can interfere in the trials of many of these cases. Will it not surprise the public, that the recommendation of these commissioners has not been attended to by the framers of this Bill, who have thought it proper to recommend to your Lordships to send these causes to the archbishops' courts, although the commission that I have mentioned was appointed to find out another mode of trying them, — the expenses and delays in these courts being so great that no person would resort to them; and criminal clerks, whatever were their delinquencies, remained unpunished, to the great disgrace of the clergy? The law was a dead letter; and so will this Bill be; for who will incur the expense to which he may become liable, by instituting proceedings under it?

The pleadings are to be the same, and so is to be the mode of taking evidence, — and these are the two great causes of expense and delay. The expenses on one of these cases that we have heard of, amounted to 1500*l.*, and, in another, to above 500*l.* But, in addition to all the expenses under the law as it is at present, — (except those in the diocesan court, which was rarely resorted to), — you may have, under this Bill, that of commissions to examine witnesses, and issues to be tried at *nisi prius*, being added to them. The third section says, the judge of the Arches Court shall not decree sentence of deprivation in any other mode than that in which he is now authorised to decree such sentences. If the commissioners, if Bishop Gibson, be correct, the dean of the Arches never could pronounce such a sentence. Then he cannot pronounce it under this Bill; and, if it pass, the greatest miscreant may still retain the possession of one of our largest livings. And why will not the bishops do their duty, as they formerly did? Oh! some of them are too old, or have too much feeling, to sentence a clergyman! If they cannot do their duty, it is better that, as in the cases of all other functionaries, the law should provide for their removal, than that their duty should not be properly done. What would they say to a clergyman who was too old or infirm to do his duty? A Right Reverend Friend of mine seems to feel some objection to the proceedings under this Bill. He has, therefore, provided for a hearing *in camerâ*, with the consent of the clergyman accused. But you do not want his consent. It may be done, now, without his consent. But no provision is made by these clauses for the summoning or examining of witnesses. It seems impossible, therefore, that these clauses can be of any use. I also object to the power given to the bishops, of allowing a deprived clergyman any part of his income. That income is given for the performance of the parochial duties. A clergyman who deserves deprivation has no more right to any part of the profits of his living, than any other profligate man has to the profits of an estate after he has forfeited it, or sold it and squandered the proceeds. Why is the parish of which he was the incumbent to suffer all the inconvenience of non-residence, on account of his delinquency? The claims of poor parishioners require that the officiating minister should enjoy his whole income. Under this centralising Bill, witnesses may be dragged from Cornwall to London, and there is no provision for the payment of their expenses. For these reasons, I shall oppose the third reading.

The LORD CHANCELLOR. — As there has been a Bill before the House bearing the same title as the present, I am anxious that the measure now under discussion should not go down to the other House under the impression that it is my measure. I disclaim any responsibility for the provisions of the present Act. The Act I introduced had the sanc-

tion of the great majority of the Right Reverend Bench, and was calculated to remove great and acknowledged evils existing in the present law in respect of church discipline. The law, indeed, is so grievous, that it is very little attempted to be brought into operation; and, in in point of fact, there is no church discipline, as exercised by the ecclesiastical courts. Various endeavours have been made to remove the acknowledged evils of the system. The Noble and Learned Lord is mistaken, when he states that there are few courts of appeal, according to the present law. In point of fact, there are five courts of appeal, and the expense of the proceedings is so great as to deter persons from seeking their legal remedy. Besides, the courts are so various in their nature, that no man can venture to say, to what extent the jurisdiction of many of them goes; while, with respect to some of them, the jurisdiction is limited by a single parish. However, the Bill before the House proposes to remove those evils, by the establishment of a system perfectly new to the law of the country, and which, I trust, never will form part of the law;—I allude to that part of the Bill which does, in effect, establish a secret tribunal, and yet does not supply the means of accomplishing the object the promoters of the Bill have in view. Nevertheless, I cannot bring myself to vote against the measure, because it gives an earnest of the ulterior reform of the evils which are complained of.

The BISHOP of EXETER. — My Lords, I am sorry that I have not had the advantage of hearing a speech from the Most Reverend Prelate, or one of the Right Reverend Prelates on this occasion; and that those who are the real authors of the Bill have not expressed their views upon the subject. It is obvious that the Noble and Learned Lord on the woolsack has no connection with this Bill; but, objecting as he does to its general principles, I am surprised that he has yet declared his intention to vote for the third reading. Now the effect of this measure is to extinguish the jurisdiction of the consistorial courts of Chester, and all consistorial courts in the province of York, except that of York itself. My Lords, by the Returns which I have examined, I find that the comparative experience of the court of Chester is much greater than that of any other court; for instance, in the last ten years, there have been four suits for correction tried there,—whereas, during the same period, there has been only one at York; and yet the former court is to be abolished. Then, again, the Noble Earl objects to bishops acting as judges. But I can tell your Lordships that bishops have been invested with the authority of judges by a higher tribunal than any House of Parliament; they received their authority from the Great Head of the church; it is coeval with the establishment of Christianity upon the earth. I could also refer to the authority of an eminent English lawyer, — Sir Matthew Hale,—who states that the bishops derive ecclesiastical jurisdiction from the law. Now, whilst this Bill affords an innocent man no chance of justice, it tends to screen those who are guilty. I will suppose the case of an incumbent of one of our large livings, amounting to some 5000*l.* or 6000*l.* a-year. If he be charged with some grave offence, he may go before his bishop, and say, that he is willing to submit his case to his decision. The bishop may think his case so bad that he will banish him from the parish, and allow him only a small pittance to support existence. Well, then, of the large revenue of the living, the bishop will allow, perhaps, only 200*l.* a-year to the curate, whom he may appoint to do the duties of the parish. What is to become of the residue of the revenue of the living? According to the Bill, the parishioners who pay the tithes can derive no benefit from it beyond the services of the curate. The banished clergyman may, I will suppose, live forty years, during which time the revenues of the living may accumulate to 200,000*l.*; and how does the Bill propose to dispose of this vast sum? Why, it says that it is to be applied to the "repairs and sustentation" of the church and of the glebe and demesne lands. It may be very well to keep those in proper condition; but to say that 200,000*l.* shall be applied for keeping up a house and glebe for a man with 200*l.* a-year, is absurd. Indeed, I have never before seen so much trash and absurdity contained within the four corners of any Bill. Then, again, the Bill, by giving the power to a layman, in the Court of Arches, to depose a clergyman from his orders, suspends, *pro tempore*, the canons of the church, and deprives it of one of its characteristics as a church: for a deposition, like an excommunication, must be "by the just judgment of the church," —which cannot apply to the judgment of a layman. Under all the circumstances, and after hearing the very able arguments which have been urged against it by the Noble and Learned Lord (Lord Wynford), I do hope that those Noble Lords, who have come down to vote for the third reading of the Bill, will vote against it.

If your Lordships can give the Bill a third reading, you have, certainly, a better opinion of the judiciousness of the measure than I have.

The DUKE of WELLINGTON.—I am sure your Lordships cannot decide, with propriety, on the measure, at this late hour of the night, after the speech which you have just heard from my Noble and Learned Friend. I would, therefore, under the circumstances, earnestly recommend to your Lordships to determine the debate either to-morrow or on Monday.

The BISHOP of LONDON. — If your Lordships will permit me, I am perfectly ready to go on now. The arguments of my Right Reverend Brother are not such as to require a very elaborate answer. In fact, I do not think it worth while to go into all the arguments he has adduced on this question. The private hearing before the bishop, to which the Right Reverend Prelate so much objects, is a principle contained in the Bill of 1836. The intention of that clause is to meet a certain class of cases, where there is no moral doubt of the guilt of a clergyman, but where there may be no possibility of procuring a conviction in a court of law, although it be a case in which it is most desirable to remove the scandal on the church. As to the supposed accumulation of church property, — is not the Right Reverend Prelate aware that, under the present law, if a bishop sequestrate a living, he may, after having assigned whatever sum he pleases for the performance of the spiritual duties of the parish, dispose, without control, of the whole residue? A case of this sort actually took place within my own diocese, last year. I maintain, also, that, as the church is not an independent power, but is connected with the state, the Legislature has a right to appoint what court it pleases to carry the judicial functions of the bishop into effect. On the subject of the interference of laymen, I would refer your Lordships to the evidence of Bishops Jewel and Wilson, where you will see that interference clearly acknowledged. Bishop Carleton lays it down, that the prince may appoint a layman to act as judge in the spiritual courts. King Charles I., in his counsel to the Commissioners at the Isle of Wight, said that, "under Christian princes, bishops did not challenge that amplitude of jurisdiction which was exercised by bishops before the time of Constantine." The same sentiments are recorded by other eminent persons; and, in my mind, completely settle the question. With regard to the severity of its bearing upon the clergy, which is charged upon this measure, it ought to be remembered, that the adoption of the process pointed out is perfectly voluntary, and the clergyman knows beforehand what he has to expect. I cannot help also expressing my regret that the Noble Viscount (Viscount Canterbury) should have spoken of the Bill as containing some features of harshness towards the clergy; for the object of the committee was, not only to avoid everything like harshness, but to save the clergy from some inconveniences to which they are now subject: indeed, almost all the alterations made in committee were intended in mitigation of the present law. Upon the whole, though there is not much chance of the Bill getting through the other House this Session, still I am anxious that it should pass your Lordships' House in such a shape as may show the clergy and the country what your Lordships' committee may deem to be the most desirable provisions to be introduced into a measure of this kind. The interval that will elapse between the close of the present and the commencement of the next Session of Parliament, will afford an opportunity for making an imperfect Bill more acceptable.

The BISHOP of EXETER. — I only hope that the absurdity I have pointed out, as to applying the sum of 200,000*l.* to the keeping up a house and glebe for an individual with 200*l.* a-year, will be attended to.

VISCOUNT CANTERBURY. — I should be very sorry if any remarks have fallen from me which could give umbrage to any Right Reverend Prelate; but, as I am not often in the habit of addressing your Lordships, perhaps my language was not so measured as it ought to have been. Nothing was further from my meaning than to give offence to those who framed the Bill.

The House then divided; when the numbers were:—

Contents . . .	21
Non-contents . .	12
Majority . . .	9

The Bill was then read a third time, passed, and sent to the Commons.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

Read a second time (according to or-

der), and committed to a committee of the whole House to-morrow.

PLEADINGS IN COURTS (INDIA) BILL.

Read a third time (according to order), and passed.

PRISONS (SCOTLAND) BILL.

Order of the Day for the third reading, and the Lords summoned, read; Bill read a third time accordingly; amendments made; Bill passed, and sent to the Commons.

JUDGES' LODGINGS BILL. — TURNPIKE TOLLS BILL. — FINES AND PENALTIES (IRELAND) BILL. — SOLDIERS' PENSIONS BILL.

Brought from the Commons; read a first time, and to be printed.

METROPOLIS POLICE BILL.

Reported from the select committee, with amendments; to be printed, as amended, and committed to a committee of the whole House on Monday next, and the Lords summoned.

HIGHWAY ACT AMENDMENT BILL.

Returned from the Commons, agreed to, with amendments.

COPY OF THE POLICE REPORT OF THE HOUSE OF COMMONS.

Message to the Commons for.

HIGHWAYS ACT.

Petition for alteration of, — of subscribers to or trustees of a certain turnpike road leading from Arundel towards Petworth, in the county of Sussex.—Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Petition against parts of the Bill, — of landowners, landholders, and others of the north and south liberties of the city of Cork:

Also, a petition of the recorders or clerks of the several guilds or corporations of the city of Dublin, for compensation, in the event of the Bill passing into a law.

Read, and ordered to lie on the table.

POSTAGE.

Petitions for reduction of the rate of,— of burgesses or free tenants and trustees of Sheffield: and of inhabitants of Milton Ernest; and Snaith.— Read, and ordered to lie on the table.

PRISONS (SCOTLAND) BILL.

Petition against the proposed plan of assessment, — of the commissioners of supply of the county of Orkney.— Read, and ordered to lie on the table.

SABBATH.

Petitions for the better observance of, — of the Fourteen Incorporated Trades of Edinburgh; and of inhabitants of the chapelry of Honley. — Read, and ordered to lie on the table.

REGISTER OF BIRTHS, &c. BILL.

To be read a second time on the 2d of August next; and the Lords summoned.

INLAND WAREHOUSING BILL.

Second reading (which stands appointed for to-morrow) put off to Tuesday next.

BANKRUPTS' ESTATES (SCOTLAND) BILL.

Third reading (which stood appointed for this day) put off to Tuesday next; and the Lords summoned.

CATHEDRAL AND ECCLESIASTICAL PREFERMENTS BILL.

To be read a second time on Monday next; and the Lords summoned.

PAPERS.

Copy of Dr. John Bowring's Report on the Commercial Relations of Italy.— Delivered (pursuant to Address of Friday last), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Halifax, Huddersfield, and Bradford Small Debts Bill. — Report from committee appointed to inspect the Lords' Journals, read; petition for Bill (presented the 21st of February), and Report from committee on petition, read. Another Bill ordered to be brought in by Mr. WARD and Mr. PROTHEROE.

Railway Bills. — Petition presented by the ATTORNEY GENERAL, of promoters of an intended railway from Newcastle upon Tyne to Edinburgh, praying the House to revise the Standing Order of last Session, requiring a deposit of 10*l.* per cent. to be paid before Bills for the construction of railways are brought in. — To lie on the table, and to be printed.

PUBLIC BUSINESS.

PAPERS.

Army. — Supplemental estimate presented — of the charge which will probably be incurred, to the 31st of March, 1840, for levy money, &c. of men to be raised for augmenting infantry regiments, &c. (by command). — To lie on the table, and to be printed.

Militia Estimates Committee. — Report brought up, and read. — To lie on the table, and to be printed.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Patronage (Scotland), — By Mr. PLUMPTRE, — from the middle parish of Greenock, for alteration of law.

Factories Bill, — By Mr. GRIMSDITCH, Mr. EASTHOPE, and Mr. W. ELLIS, against, — from William Crick and others; John Josiah Buttress; John Woollam; Robert Tidswell and others; William Martin and others; and Tring and Aylesbury.

Postage, — By Mr. WARBURTON and other Honourable Members, for a low and uniform rate, — from Wark; Alnwick; Wooler; persons in the employ of James Jury, Coleman Street, London; persons in the employ of George Coryndon Begbie, Coleman Street, London; and persons in the employ of the York and London Assurance Company, King William Street, London.

Lieutenant Colonel Fairman, — By LORD ELIOT, — of Lieutenant Colonel William Blennerhassett Fairman, complaining of having suffered injury in his character, as deputy grand secretary to the Orange Institution of Great Britain, and praying redress.

SCHOOL ENDOWMENTS.

SIR ROBERT PEEL. — Seeing the Attorney General in his place, I wish to put a question to him with regard to a difficulty which has been experienced in the cases of small funds left to trusts for the purposes of education. The cases to which I allude are similar to the one I shall state. A trust fund of 8*l.* or 10*l.* was left to a school; but the trusts for its management are not, at present, technically speaking, legally constituted. Several gentlemen in the neighbourhood are willing to become trustees; but, in order to procure a valid appointment, it is necessary to apply to the Court of Chancery, — and such an application would cost between 60*l.* and 70*l.* I beg to ask the Honourable and Learned Gentleman whether it would not be well to devise some means to enable those who are willing to undertake the superintendence of such funds, to act, by a summary application to the Court of Chancery, without incurring so great an expense — an expense which, in many instances, the funds are wholly unable to bear?

The ATTORNEY GENERAL. — It would afford me great pleasure to aid in carrying out the laudable object which the Right Honourable Baronet has in view; but the Right Honourable Baronet must see that there would be great difficulty in drawing a distinguishing line between

cases of large and small funds. There was a statute introduced on the subject by the late Sir Samuel Romilly, the provisions of which I should be most happy to assist in extending to the cases referred to by the Right Honourable Baronet. The great majority of the grants for education have been left upon a footing not at all suitable to the circumstances of the present time; and it is extremely desirable that the defect should be remedied, without incurring much expense. It is quite lamentable to think that large sums, left for endowing schools, so early as the times of Edward VI. and Queen Elizabeth, should now produce only the means of providing large salaries for schoolmasters who have nothing to do. I shall most readily join in a measure to remedy this state of things.

CAPTAIN PECHELL. — I think the Government ought to proceed at once to legislate upon the Reports of the Charity Commissioners, especially with reference to such cases as the Berkhampstead school, where the master receives 250*l.* per annum, and his son 120*l.* per annum, besides having a magnificent house with two wings to live in; and yet he has not a single scholar.

Mr. BROTHERTON. — The best remedy that could be devised, would, in my opinion, be, the formation of a board, in which all these trusts should be vested, and which should have power to appoint new trustees as vacancies might occur.

SOLDIERS' PENSIONS BILL.

Read a third time, and passed.

HIGHWAYS AND TURNPIKE ROADS RETURNS BILL.

Read a second time, and committed for to-morrow.

JUDGES' LODGINGS BILL.

The ATTORNEY GENERAL having moved the third reading of this Bill, —

LORD GRANVILLE SOMERSET said: — I do not rise to oppose the third reading of this Bill; but it appears to me that it will impose on the county rate a charge which, in nineteen cases out of twenty, has heretofore been borne by the high sheriffs.

The ATTORNEY GENERAL. — The Bill has been introduced to meet this case: — By the law, as it now stands, the grand juries have power to make presentments for the purchase of land, and the erection of lodgings for the judges of assize; but they have no power to make a presentment for the purchase of buildings already erected, which might be suitable for the purpose. The object of the Bill is to give them that power, and thereby effect a great saving.

LORD GRANVILLE SOMERSET. — I only object to the charge being imposed upon the county rates.

Bill read a third time; amendment made; Bill passed.

TURNPIKE TOLLS BILL.

Order for third reading read; Motion made by Mr. FOX MAULE, and question put, — "That the Bill be now read the third time."

LORD GRANVILLE SOMERSET. — I have the greatest objection to this Bill. It goes to enable trustees of roads to reduce the rates of tolls on overweighted carriages; and is wholly contrary to the provisions of the general Turnpike Act, which was so fully and carefully considered by the committee. As far as I am concerned, I must enter my protest against the Bill.

CAPTAIN PECHELL. — The object of the Bill is simply to give to the trustees of all roads the same power as the Commissioners of the Metropolitan Roads enjoy under the statute of 4 Geo. IV. c. 95., — it having been found from experience that the tolls are so excessive, in many instances, as to have induced persons to go miles round, in order to avoid the liability to such demands. The Bill has been called for by several trustees.

SIR JAMES GRAHAM. — The Honourable Gentleman the Under Secretary for the Home Department has paid great attention to this subject; and I should be glad to know from him whether he himself thinks this Bill ought to pass into a law? The general Turnpike Act was referred to a committee, by which it was most carefully considered; the rates of tolls referable to weights were fixed by that committee; and, unless some strong reasons be given in support of this Bill, I shall abide by the decision of the committee, and refuse to relax the rule they have laid down. It is quite clear that the wear and tear of

roads depends on the weight of carriages passing on them; and nothing can be fairer in principle, than that the greatest weights should pay the highest tolls. I see no reason why the general law should be altered; and I shall divide the House against the Bill.

Mr. FOX MAULE. — I have agreed to this Bill, because it appeared to me very fair and reasonable that the powers of the Metropolitan Commissioners should be extended to the trustees of other roads. The notice required, in the general Bill, of fourteen days, must be given also under this Bill, before any alteration can be made in the tolls. I therefore do not see any objection to it.

SIR T. FREMANTLE. — If it be desirable to get this traffic upon certain roads, I think it ought to be obtained in a fair way. I am not at all of opinion that we ought to encourage heavy waggons upon turnpike roads, for they do more harm than good. As the whole question connected with the state of the turnpike trusts has been referred to the commissioners appointed by the Crown, I think the better way would be to refer this Bill to them also. The turnpike trusts of England are, from the advance of railway travelling, and other causes, upon the verge of bankruptcy; and I think it would be better to refer all questions connected with them to the commissioners, than to deal with the subject piecemeal.

CAPTAIN PECHELL. — I hope the House will not be misled by what has fallen from the Right Honourable Baronet the Member for Pembroke. This Bill does not repeal any power at present possessed by turnpike trustees; but, on the contrary, it only proposes to extend to them those powers which have been already granted to the Metropolitan Commissioners, and are in operation ten miles round London.

Mr. AGLIONBY. — The 4th Geo. IV. c. 95. enacts, that the trustees or commissioners within ten miles of London may reduce tolls for weight in such manner as they shall see fit, upon certain notice. The present Bill extends to other trusts and parts of the kingdom the powers held by those commissioners. I beg, then, to ask why that which is good law within ten miles of London ——

SIR JAMES GRAHAM. — We have not said it is good law.

Mr. AGLIONBY. — Well, then, I ask, why should not that which is law within ten miles round London, be law elsewhere? I have heard no argument to justify the opposition to the Bill, and it shall have my warm support.

House divided: — Ayes 54; Noes 29; — Majority 25.

AYES.

Adam, Admiral	Pattison, J.
Ainsworth, P.	Pendarves, E. W. W.
Barnard, E. G.	Philips, M.
Bernal, R.	Redington, T. N.
Brodie, W. B.	Rice, Right Hon. T. S.
Brotherton, J.	Russell, Lord J.
Buller, C.	Scholefield, J.
Chapman, A.	Seymour, Lord
Chetwynd, Major	Sheil, R. L.
Craig, W. G.	Smith, R. V.
Darby, G.	Somerville, Sir W. M.
Dennistoun, J.	Stanley, Hon. E. J.
Duncombe, T.	Stock, Dr.
Evans, Sir De Lacy	Strutt, E.
Ewart, W.	Thomson, Right Hon. C. P.
Gordon, R.	Troubridge, Sir E. T.
Grey, Rt. Hon. Sir G.	Turner, W.
Grosvenor, Lord R.	Verney, Sir H.
Hill, Lord A. M. C.	Walker, R.
Hindley, C.	Wall, C. B.
Hoskins, K.	Wallace, R.
Hume, J.	Warburton, H.
Kinnaird, Hon. A. F.	Williams, W.
Labouchere, Rt. Hn. H.	Yates, J. A.
Lushington, C.	
Maule, Hon. Fox	*Tellers.*
Morris, D.	Aglionby, H. A.
Muskett, G. A.	Pechell, Captain
Oswald, J.	
Parker, J.	

NOES.

Alsager, Captain	Hinde, J. H.
Blair, J.	Hope, Hon. C.
Bowes, J.	Irton, S.
De Horsey, S. H.	Irving, J.
Dick, Q.	Lascelles, Hon. W. S.
D'Israeli, B.	Lowther, Hon. Colonel
Dottin, A. R.	Lygon, Hon. General
Douglas, Sir C. E.	Peel, Rt. Hon. Sir R.
Eastnor, Lord Visct.	Plumptre, J. P.
Egerton, W. T.	Round, J.
Freshfield, J. W.	Salwey, Colonel
Gordon, Hon. Captain	Sanford, E. A.
Graham, Rt. Hn. Sir J.	Worsley, Lord
Grimsditch, T.	
Hardinge, Rt. Hon. Sir H.	*Tellers.*
Hector, C. J.	Fremantle, Sir T.
	Somerset, Lord G.

Bill read a third time, and passed.

NAVAL AND MILITARY COMMISSION.

SIR H. HARDINGE. — Seeing the Honourable Member for Windsor in his place, I am desirous of knowing from him what steps have been taken in pur-

nance of the labours of the Naval and Military Commission?

Mr. ROBERT GORDON. — I understand that Government have approved of a great portion of the recommendations of that commission; — that those relating to the customs, excise, and stamps, have been carried into effect; also those which relate to the ordnance and navy. But, with regard to the other matters, — more especially the army appointments, — they have not been carried into effect, although I have reason to suspect that the Government approve of them.

BANK OF IRELAND ACTS.

The CHANCELLOR of the EXCHEQUER. — In moving that the Order of the Day for the House resolving itself into committee on the subject of the Bank of Ireland be now read, I wish to ask the Honourable Member for Kilkenny to withdraw the motion of which he has given notice, respecting an instruction to the committee. According to the practice of the House, those matters only are moved as an instruction to the committee, which the committee itself is incompetent to perform without such instruction; but, in this case, it is perfectly open to the Honourable Gentleman to move in committee that of which he has given notice as an instruction.

Mr. HUME. — I readily consent to the course proposed by the Right Honourable Gentleman. All I require is, an opportunity of moving my resolution, — which I am quite as willing to do in committee, as otherwise.

Mr. SPEAKER. — The Honourable Member will, certainly, be more in order, in moving the resolution in committee, than by way of instruction.

Mr. WARBURTON. — But it is questionable whether it is expedient to legislate upon this subject at all, during the present Session; and whether it would not be more expedient to appoint a committee of inquiry next session.

The CHANCELLOR of the EXCHEQUER. — That is a question which can be legitimately raised in the committee.

The House then resolved itself into a committee.

The CHANCELLOR of the EXCHEQUER. — Mr. Bernal, I have now to introduce to the attention of the House a subject which I have always regarded as one that was likely to be discussed exclusively upon its own merits. The question, I hope, will be rigidly confined to a consideration of the interests of the public, as concerned in the trade of banking in Ireland; for, undoubtedly, any other subject which may be introduced into the discussion will not only be irrelevant, but calculated to withdraw the minds of Honourable Members from that simple proposition which it is their duty to consider. The subject which I have to introduce, this night, is one of the most important which has been presented to the notice of Parliament; deeply important to the interests of Ireland, but not less so to the best interests of England also. It is a subject which rests not merely on theory, but upon the experience of the last three years, which has shewn that any system having a tendency to disturb the circulation of Ireland reacts immediately and most inconveniently upon the circulation of this country. I think I may appeal to every Honourable Gentleman present, and more especially to any Honourable Gentleman who may happen to be connected with the Bank of England, whether some of the greatest difficulties, from the pressure of which their establishment has most suffered, with which they have had most to contend, and which have cost them the greatest labour to surmount, have not been difficulties connected with the circulation in Ireland? When it is considered that in Ireland there is a large circulation, — not only a circulation similar to ours, but also a circulation of small notes, payable on demand at all places of issue, — I think it must be obvious, from the working of the general principles involved in the case, as well as from the experience of past years, that if there were a system of banking introduced into Ireland, tending to disturb the public credit, and to produce a demand for gold, the inconvenience would not be limited to Ireland alone, but would immediately produce an increased demand for gold on the Bank of England. Upon two or three occasions, this has been very distinctly proved: and I press it upon the attention of Honourable Members, — (not that I suppose them to be indifferent to this question, because it is an Irish question; for I also entreat their attention to it upon Irish grounds,) — but I wish particularly to impress upon them, and I am prepared to prove, the fact that, in the settlement of the banking question in Ireland the best interests of England, also, are involved. It is a question, in short, in which Honourable Members representing En-

glish and Irish constituencies are equally interested. I shall now proceed very shortly to lay before the House a history of the Bank of Ireland, and an account of the other banking establishments in that country. The history of the Bank of Ireland is, in some respects, peculiar, — in one respect, very peculiar indeed. It was established about the year 1782; and was looked to, then, by the great mass of the people of Ireland, with the utmost anxiety, as an establishment that was likely largely to contribute to the improvement of that country. I shall not trouble the House with the legislation which took place on this matter between 1782 and 1796–7; but it is a remarkable circumstance, in approaching this subject, that the suspension of cash payments was never required by the transactions of the Bank of Ireland, nor asked for in reference to any Irish interests whatever; but that, on the contrary, the Bank of Ireland was at that period perfectly stable, and in a position to carry on its own transactions with perfect security; and that it was only in consequence of the derangement of the Bank circulation here, in 1797, that the Bank restriction in Ireland was rendered necessary. For whatever occurred between 1797 and the resumption of cash payments, the Bank of Ireland was not responsible. The restriction in their cash payments was not the consequence of any act of theirs, but the necessary result of measures adopted in England, for which the Bank of Ireland was in no wise responsible. When the suspension of cash payments took place, there was a great extension of banking accommodation in Ireland, not only on the part of the Bank of Ireland, but on the part of various provincial banks; and in 1804, the great failure which took place in the province of Connaught, of Lord Ffrench's and several other banks, spread ruin, dismay, and desolation throughout a great part of Ireland. In 1820, many of those whom I have now the honour to address are aware that the provincial banks, which had become multiplied to a considerable extent in Ireland, almost all failed. No fewer than eleven failed in the course of a few months; and the entire circulation of the South, as well as of other parts of Ireland, became disturbed. I believe, that, with the exception of three or four private banks, every bank in Ireland failed at that period, — a circumstance which rendered a revision of the banking laws absolutely necessary. Under the Government of Lord Liverpool, a new system of banking was introduced into Ireland; and the first Act which passed for the establishment of joint stock banking, led to the establishment of the Provincial Bank of Ireland. With that establishment it was my fortune to be, for many years, connected. It was formed on account of the want of banking accommodation felt throughout the country,—the Bank of Ireland not having at that time taken any steps for the establishment of branches. Merchants in the country were obliged to send commercial paper for discount to correspondents in Dublin, as it was a rule of the Bank of Ireland to discount Dublin paper only. The Dublin indorsers, of course, required remuneration for the risk they ran; and this, with postage, raised the rate of accommodation so high upon those who resided in the provinces, as necessarily to lead to the establishment of a rival bank to the Bank of Ireland.

Under the law, as it now stands, there are three — or I should rather say four — different descriptions of banks in Ireland. The first is the Bank of Ireland, which is a bank of issue and deposit, with power to carry on its transactions in Dublin and throughout all Ireland, without restriction or restraint, save that of dating its notes from the place they are issued, and paying them, on demand, in specie, at the place of issue. The next class of banks are — the joint stock banks; — not banks of issue, but of deposit, — which were intended by law to have full power of carrying on all banking operations, save and except the issue of notes, and the acceptance and drawing of bills of a certain amount. They have this power within, as well as without, the metropolitan circle of fifty miles round Dublin. The next class are the joint stock banks of issue, consisting of more than six partners, and carrying on their operations, not, alone, in Dublin, or within the metropolitan circle, but throughout the rest of Ireland. Those banks have the privilege of transacting, unreservedly, all banking business without the limits of that circle, and — not exactly by law, but by sufferance — the power of having a house of business in Dublin, and of paying their notes there. The fourth class of banks I mention merely to make the statement complete. It consists of the private banks having less than six partners, and who have the unrestrained power of banking in all respects, both in Dublin and without the metropolitan circle. They are very few in number, — there being none without the metropolitan circle, and not more than three or four, if so many, within it. Of this class are the banks of Messrs. Latouche and Messrs. Ball. I have now

endeavoured to explain to the House the exact state of the law affecting those banks; but the practice, under the law, requires some further explanation. The main subject which will occupy our attention, this night, is the Bank of Ireland. The Bank of Ireland has one central office in Dublin, and twenty-two agencies in the country. The Hibernian Joint Stock Bank is a bank which does not issue in the metropolis. The Royal Bank of Ireland is likewise a bank which does not issue in the metropolis. The Provincial Bank is a bank of issue, with thirty-five branches. The National Bank is also a bank of issue, with thirty-six branches. The Belfast Banking Company is a bank of issue, with twenty branches; the Ulster Banking Company, with nine branches; and the Northern Banking Company, with ten branches. The House will observe that, practically, the banking business of Ireland is now carried on by the Bank of Ireland, in the metropolis; and, in the provinces, by the branches of that Bank, and by the great joint stock banks, having branches varying in number from ten to upwards of thirty. The Provincial Bank, however, was the first of the joint stock banks; and, for five or six years after its formation, there was no other. The state of things I have described, therefore, has been in full operation only during late years. That which now renders the interposition of Parliament necessary is, the peculiar state of the law as affecting the Bank of Ireland. By the engagement which was entered into between the public and the Bank of Ireland, the existing exclusive privileges of that body — (called, generally, their "monopoly," — a word which has excited considerable prejudice on the subject, but a prejudice which, I trust, a full and fair explanation will remove) — are to be continued to them until after the 1st day of January, 1838; when, on notice being given, and on paying the amount of debt which the public might owe to them, those exclusive privileges were to cease altogether, and the trade in banking in Ireland was to be left entirely free. The proposition which I am about to make is, to continue those exclusive privileges for a given time, and on certain specified conditions. The proposition which will be made by the Honourable Member for Kilkenny is, that it is expedient that those exclusive privileges should altogether cease and determine; and that the trade of banking, both as affecting the issue of money and all other banking operations, should be left as perfectly free in Dublin as it is in Edinburgh. I believe I have stated accurately the object of the amendment about to be proposed. I admit that, in arguing for restrictions on banking, I am bound to show and prove their necessity; and I think I shall be able to show that necessity, not only from the experience of this country, but on general principles applicable to this subject, and from the peculiar facts connected with the banking business in Ireland. In the first place, I deny the applicability of the general principle of the freedom of trade to the question of making money. I deny altogether that Honourable Gentlemen should be carried away by the arguments of those who say — "We claim, on behalf of the public, on grounds of political economy, and on the principle of the freedom of trade, the unfettered power of issuing promissory notes as a substitute for coin, passing from hand to hand, and payable on demand." If that principle were carried so far, it ought to be applied — still further not only to making the creation of paper money perfectly free, but, also, to making the creation of specie money equally free. To carry out the principle of freedom, of trade in the making of money, perfectly, the principle of a national mint should be given up, and the power of coining be left perfectly unfettered. And, indeed, if it were necessary, I should almost be prepared to maintain — what perhaps will appear paradoxical — that it might be safe to leave the creation of coined money free, although it might not be safe to leave the trade in paper money free, to every individual. Can any man say that a country could deal with the creation of paper money, payable on demand, as a free article of commerce, if he look at what has been the course of legislation on the subject in every country on the earth, our own included? What does this country rely upon? What does this House, or, at least, the great majority of this House, rely upon, but the restrictions which they have put upon this supposed freedom of trade? Does not the restriction upon small notes interfere with the freedom of trade? Is not the restriction adopted in England, restraining the circulation of the metropolitan circle to the Bank of England paper, an interference with the freedom of trade? It is impossible, therefore, for any man who has taken part in the discussions upon the statutes connected with these subjects, which have been deliberately settled, and which stand recorded in the statute book, to be prepared to maintain the extravagant paradox, that the trade in paper money should be perfectly free and uncontrolled. If, then, the general prin-

ciple of free trade, be not conclusive of the question at issue, let us discuss it as a matter of expediency.

I am reluctant, upon this question,— more especially as my proposition is only to continue privileges for a certain limited period, — to discuss the larger principles which are involved in it. But, at the same time, I cannot maintain the limited proposition which I have to make, without stating those larger principles which it is necessary to keep in view. My general theory is wholly opposed to that of an unrestricted competition; and, without saying what course ought to be adopted in England or Ireland, — where many rights and interests have grown up under the existing law, which it would be unjust and unwise, if not impossible, to disturb, — I would say, that if a system were to be established in an entirely new country, where these rights and interests did not exist, I think the best system to adopt would be, that of one central issue, which should have the whole command of the currency. Of course, I do not mean to say that it would be expedient or practicable to introduce such a system in this country, under existing circumstances; and I only lay down the abstract principle, in order to try whether the course proposed by me, or that suggested by the Honourable Member for Kilkenny, comes the nearer to the system suggested by sound theory. I know that the Honourable Member for Kilkenny relies upon the practice, which prevails in Scotland, of giving an unrestricted freedom to the issue of notes. The Honourable Member must excuse me, however, if I doubt the existence of any analogy between the state of banking in Scotland and in Ireland. In fact, to any one conversant, practically, with the subject, no two systems can stand in more perfect contrast to each other, than the system of banking in Scotland, and the system of banking in Ireland. In the first place, look at the immense capital engaged in the banking trade in Scotland. I have not, of course, the means of knowing the precise amount, except from the commonly received report; but I speak within the correction of those who have full means of information, when I say that the funded property at the command of the Scotch banks, available, under all circumstances, for the satisfaction of demands upon them, exceeds in an immense proportion — is five times, six times, perhaps ten times, as great as the whole of the capital engaged in the banking business in Ireland. Is not this, of itself, a just and legitimate ground of distinction between the respective systems of the two countries? I know that the Honourable Member for Kilkenny will say that this large amount of capital is produced by the banking system of Scotland. That I altogether deny. A banking system is not the cause, but the consequence, of improvement. If any one imagine that wealth can be produced in a country by manuring the land with bank notes, before large capital has arisen from other sources he commits this great blunder, — that he mistakes the effect for the cause. I do not mean to undervalue the resources, or capital of those engaged in banking in Ireland; but, comparing them with those of Scotland, it is remarkable, that such is the confidence in the latter country, arising from the immense wealth of the Scotch banks, or other causes, that the proportion of gold which it is necessary to keep in Ireland for a given amount of paper, is as much greater than the amount it is found necessary to keep in Scotland, as the capital of the Scottish banks is greater than that of the Irish banks. It has not happened within the memory of man, I believe, that there has been a real run upon the Scotch banks for gold. I know how their exchanges are adjusted and regulated by bills on London. On the other hand, there has been a succession of runs on the banks in Ireland for gold, in the course of the last ten years, which have rendered it necessary for the Bank of England, upon whom the demand for specie ultimately fell, to supply to Ireland, during that time, an amount of gold, greater, I believe, than the whole amount of specie demanded for Scotland. If, therefore, it be found that the capital possessed by the banks of Scotland exceeds, in an infinite degree, the capital of all the banks in Ireland,— and if it be found, on the other hand, that the state of Ireland is such as to expose the banks there to a ready and eager demand for gold, inconvenient both to themselves and to this country,— (the circulation of which it disturbs in no common degree),— it is in vain to tell me that the case of Scotland should naturally or necessarily govern the case of Ireland. We must, therefore, judge of the case of Ireland upon its own merits, or in reference to general principles; but there is no reasoning which is so likely to lead astray, as reasoning by analogy in the case of two countries, for which no common measure can be found. I say, there is no common measure between the banking transactions of Ireland and those of Scotland, because they are essentially and entirely different the one from the other.

Mr. HUME. — Hear, hear!

The CHANCELLOR of the EXCHEQUER. — I do not know how to interpret that cheer, for I cannot believe it means assent on the part of my Honourable Friend. I will take upon myself to say, with respect to the main facts to which I have alluded,— the amount of capital, the amount of gold, and the tendency to panic and alarm,— that, on these three points, the state of Ireland is diametrically opposed to that of Scotland. I have stated that the banking business of Ireland has been, of late years, conducted through the agency of the joint stock banks and the Bank of Ireland. I wish to draw the attention of Honourable Members to certain facts connected with the question. I do not call upon them to vote for my resolution, solely, upon any arguments which I can adduce, but upon evidence which I am about to tender. The House will recollect, that a committee was appointed upon the subject of joint stock banks, and sat for two successive years. The affairs of the Irish Bank were made matter of investigation by that committee. In the year 1837, the examination began. In the year 1838 it was resumed; and there was no proposition made for the production of any witnesses before that committee, which was negatived by the committee, nor any impediments thrown in the way of the investigation by the Bank of Ireland. The case was gone through, and attentively considered, by that committee; and, on the evidence collected by them, and now lying on the table, I rely, as the ground of my motion. There were parties examined before that committee, connected with the Bank of Ireland. The Governor of the Bank of Ireland was, himself, examined. Parties connected with the Provincial Bank were examined. Mr. Needham, the manager of the Royal Bank, was examined. Mr. Mahony, formerly a Member of this House, — a gentleman of very great professional experience, and who has given a great deal of attention to this branch of the law,— was also examined. So was Mr. Pim,— a gentleman connected with a private banking establishment, and one of the most intelligent and practical men of business whom it has ever been my lot to meet. Two gentlemen — Mr. Callaghan and Mr. Dunne—were called over to speak, generally, of the inconveniences said to be felt from the monopoly of the Bank of Ireland. They were examined at very great length. No other witnesses were suggested as proper to be brought forward. No proposition or suggestion was made for taking any further evidence; and therefore I feel myself entitled to say that, as far as the judgment of the House and the committee go, the evidence is in a complete state, and we are authorised to come to a decision upon it. In order to make that evidence intelligible, I must take the liberty of adverting to some circumstances which occurred in the year 1836; otherwise the nature of the complaint brought against the Bank of Ireland, and my argument in defence of a temporary continuance of its exclusive privileges, will not be quite intelligible. Gentlemen will recollect that, at the close of the year 1836, a severe pressure was felt on the banking interests in both countries. The first manifestation of difficulty took place in Ireland, before there was any actual pressure on the Bank of England. In dealing with this subject, I must admit — because I wish to state the case with perfect fairness — that I do not think the conduct of the Bank of Ireland, at that period, was based upon prudent banking principles. They made one very great and serious mistake on that occasion. When the Bank of England raised the rate of discount, on every possible principle that ought to have directed the conduct of the Bank of Ireland, it would have been prudent on their part to have raised the rate of interest on discounts at the same time. But they did not do so; and I am not here to defend the course which the Bank of Ireland took upon that occasion. I think it is the duty of the Bank of Ireland, and every other bank dealing with the issue of paper, to keep a most vigilant eye upon the whole transactions of the Bank of England,—the quarterly Returns of their assets and liabilities, the quantity of the specie in their coffers, and the state of the foreign exchanges,— and to regulate their proceedings with reference to all their transactions. The directors of the Bank of Ireland did not govern themselves according to those principles. It is very material for me to state the truth upon this point; because I mean to make use of it afterwards for the purpose of repelling some of the accusations made against the Bank. The main objection raised in Ireland, on the part of those who wish to put an end to the exclusive privileges of the Bank, is, not that it has pushed its issues too far, or given accommodation to an excess, but that it has done exactly the contrary. Those objectors say that the whole of the operations of commerce in Ireland are restricted by reason of the supposed monopoly; and that Dublin and the metropolitan circle suffer, not from an excess, but a deficiency,

of accommodation. Now, the only case in which I think there was just reason to complain of the conduct of the Bank of Ireland, was one in which, in my opinion, they gave, not too little accommodation, but too much. In fact, the only real danger to the public from banking operations, is, from banks being tempted, in quest of inordinate profits, to extend their circulation too far, and to give an undue excitement to prices, and, thereby, too great an impulse to speculation. The public may rely upon this,—that every bank will carry its business, and extend its issues, as far as it can with safety, because it has a direct interest in doing so. The public need not be afraid of a bank refusing accommodation; but it ought to be afraid of a bank going too far in that way for the purpose of sending out its own notes. However, the whole complaint, and the burden of every argument against the Bank of Ireland, was founded on the presumption that it will not discount, in Dublin and the metropolitan circle, as much sound and legitimate paper as it would be warranted in doing; but, on the contrary, that it has a tendency to starve and stint the circulation within that district. My charge against the Bank of Ireland, as I before stated, is, that, during a period of pressure, they continued their discounts, when, from the proceedings of the Bank of England, they ought to have contracted them. Upon this point the Bank of Ireland — or, at least, those persons connected with it who were examined before the committee — admitted that they were wrong.

To return, however, to the narration of what happened in the year 1836. In that year, the Agricultural and Commercial Bank — (with which evidence before the House has made the House and the public familiar)—ventured upon very large issues of their notes, — getting into the wildest speculations, — taking the most improper means of extending their issues, — doing the worst description of business, — and creating an unnatural banking competition, wholly unjustifiable on their resources, or upon the general principles of banking. That bank sustained a reverse, and was compelled to suspend payment. The other banks felt the pressure so severely that they were obliged to have recourse to the Bank of Ireland for assistance. All the banks in Ireland were obliged likewise to draw largely on their resources in this country. The National Bank remitted 200,000*l.* in gold from this country, and the other banks remitted 700,000*l.* in gold. All this necessarily disturbed the London money market, and aggravated the inconvenience which was then felt here. It appears, from the evidence, that the conduct of the Bank of Ireland, on that occasion, towards other banks, was entitled to every praise. It appears, from the evidence, that, towards the assistance of the Belfast Banking Company, they advanced 103,000*l.*; to the Ulster Banking Company, 60,000*l.*; to the Hibernian, 21,000*l.*; to the Agricultural Bank, 19,600*l.*; and to the National Bank, 42,600*l.*; — making a total of 246,000*l.* given by the Bank of Ireland to assist their own competitors in trade. I rely upon these facts for two reasons; — first, I wish to show to the House that the working of this supposed monopoly, at that period, was not prejudicial to the other banking interests; but that, through the assistance of the Bank of Ireland, the other banks obtained those resources which enabled them to meet the pressure upon them. I mean, further, to show, from these facts, that the same resources can be made available, hereafter, only by a continuance of the present exclusive privileges of the Bank of Ireland; and that, if we put an end to those privileges, we shall run the hazard of those great evils which have formerly been avoided through the instrumentality of the Bank of Ireland. One of the witnesses before the committee — Mr. Dwyer — stated, and Mr. Callaghan repeated, that he thought the conduct of the Bank of Ireland, on that occasion, extremely illiberal! They went further, and said it was intended by the Bank to break all their competitors in trade. Will the House imagine it possible that the Bank were complained of for not doing that which there was distinct evidence that they did do? Mr. Dwyer complained of their conduct in limiting accommodation. The bank with which he was connected received 21,000*l.* to meet their engagements; and the agent of the same bank, in Galway, received, on his own security, the sum of 12,000*l.* more, — nay, it is stated, in the evidence, that the Bank of Ireland offered the Agricultural Bank further accommodation, if they could give bills on London. The Agricultural Bank frankly and honestly admitted that they could not give bills which they were sure would be accepted in London; but they tendered, as perfect security for the advances which they required, their own promissory notes returned from circulation; and requested to receive gold, or notes convertible into gold, for this discredited paper. And because the Bank of Ireland refused to make these advances on such security, a gentleman comes before a committee of

this House, and declares that the Bank of Ireland acted towards its rivals with the intention of crushing them, or of cramping their operations: in contradiction to this, however, another witness, — Mr. Mahony, — not only unconnected with the Bank of Ireland, but connected with one of its rivals in trade, stated that, according to his information, there were but three banks that did not get assistance from the Bank of Ireland, and that the conduct of the Bank of Ireland was extremely liberal at that crisis. I have already shown that its liberality exceeded the sum of 240,000*l.*, either in gold, or paper exchangeable for gold. I would now call the attention of the House to the terms of the complaint of Mr. Callaghan, who said, in answer to question 1170., "I think the Bank of Ireland, at any time, of its greatest issue, did not give the accommodation to the public which it had a right to expect." In answer to question 1190., the same gentleman said, "I think its capital ought to be for the accommodation of the public, when it could be safely given, instead of being tied up in the public funds." Mr. Dunne said, in answer to question 1290., "The Bank of Ireland has not extended accommodation to the public in the way it ought and might have done;" — to question 1297., "Whenever a crisis came, as in the late panic, they acted with great illiberality;" — and to question 1422., "I do charge the Bank of Ireland with an intention of putting down all the other banks." I have shown that, so far from this being the case, on the evidence of gentlemen connected with other banks, — it is undeniably true that all those banks, except three, received assistance from the Bank of Ireland. At a time when the Bank of Ireland might have apprehended danger itself, it parted with nearly 250,000*l.* to its rivals in trade. The charge has been repeated in a publication, which comes from something like authority, complaining of the Bank of Ireland, and calling on the public to negative the proposition for an extension of the Bank charter. Will the House have the kindness to hear the charges brought against the Bank of Ireland in this pamphlet, which has been published, on the renewal of the charter? It says,—

> In the midst of general impoverishment, public debility, and national convulsion, we find the Bank of Ireland consolidated, strengthened, and exalted. Often as discontent and insubordination have agitated and vexed the island, the Bank has always stood hale and pursy. The rebellion of 1798, — the insurrection of 1803, — the panics of 1810, 1820, 1825, 1836, — the famines, too numerous to be recounted and too horrid to be described, — have encountered it, have swept by it, and left it stronger in resources, grosser in wealth, and more formidable in power, than they found it. Crisis after crisis — convulsion upon convulsion — came on the devoted country; but the Bank has never been moved — never swerved, in the slightest degree, from its selfish centre. It has evidently had but one rule of action, — to make money, and run no risks. All argument on this subject is superseded by the one strong fact — that the sum total of its bad debts, since the day of its creation, amounts "only" to 338,500*l.*

I give the passage as it is. I have a right to deal with it as an argument. Some of the witnesses against the Bank make more absurd statements. But what is the argument addressed to the public against the Bank of Ireland but this, — that, during a time of peril and danger, it was enabled to answer its engagements? Through crisis after crisis, famine after famine, and panic after panic, its notes preserved their value. The argument against the Bank is this, — that it has steadily attended to its trade of making money, and dealing as a banker should do. I say that, if a bank should go on upon any other principles than those of dealing with their transactions as merchants, — doing a safe business, and stopping when that business is not safe, — so as to maintain their credit, and to have resources available for that purpose, — they would not discharge their duty as bankers: and this is the first time I have heard it charged against a commercial establishment, that, in the course of fifty-three years, the fact of their not having made bad debts beyond a certain amount was a proof of their transactions being mismanaged. This is an argument so absurd in itself, that merely to notice it is sufficient. And here let me deal with the evidence of Mr. Ignatius Callaghan and Mr. Dunne, gentlemen of whom I cannot speak with the slightest possible disrespect; but I am dealing with their opinions and evidence, — and evidence of a more extraordinary character has never been given. Will the House believe it possible that one of the complaints made by these gentlemen is, that the Bank of Ireland actually reserved a large proportion of their capital in the public funds as available securities to meet their engagements? And I must say that a most curious series of answers was given by one of those gentlemen, who shows that, however respectable he may be, — and, no doubt, he is highly so, — he must have known as little about the principles of banking, as about finding the longitude. Mr. Callaghan stated the amount of the capital of the Bank of Ireland, and the amount invested in public

securities; and affirmed that the difference of two millions ought to go in excess of the whole present circulation to the amount of a great proportion of their capital: and, further, he said he could prove they were bad bankers, because they reserved, in the public funds, and in Exchequer bills, a sum sufficient to meet their engagements. He was asked —

What is the proportion? — I would certainly keep a portion; for example, we will say the Bank of Ireland has with the Government 3,000,000*l.*; I think, if I had a bank such as you suppose, having that proportion with the Government, I would devote the whole of my accommodation, as far as safety would warrant, to the public, instead of putting the money into the funds; the whole beyond that.

Was there ever a proposition such as this ventured upon by any man who was ever tendered as a witness on the subject of banking, — namely, that the whole fund locked up with Government should remain untouched, and that all beyond that should be employed in discounts for the accommodation of the inhabitants of Dublin, without a farthing being available as public security when a pressure came? What would be the consequence? Why, that in time of pressure, the Bank of Ireland, as their resources would not be available, would not only be unable to meet their own engagements, but those of other banks, whom they might feel it their duty, if they could, to assist. As this is the evidence to be relied on, I must ask the House, what can they think of the weight due to the evidence of any gentleman who, when examined upon this subject, with reference to the rate of discount at which the Bank of Ireland was doing business in 1836, stated, that he was not aware that the Bank of England discounted at a higher rate at that time? This gentleman, who is to be relied upon as an authority in banking, said, that he was not aware of the fact that the Bank of England had then raised the rate of discount. I think this is one of the most extraordinary instances of total and complete ignorance that ever was exhibited by any person who took upon himself to inform others. I proceed: —

My question refers to the period at which the Bank of Ireland was discounting at a lower rate than the Bank of England; do you consider that prudent, or the reverse? — I was not aware of one point you state, which is, that they were under the Bank of England in their discounts at the time.

I am now going to allude to another part of the evidence. With the same view, this gentleman was asked about the account of the Bank, and whether it was necessary to wipe off bad debts and protested bills. He answered, that protested bills, to a very considerable extent, were quite as good as other bills; that it was true that merchants might suffer some degree of dishonour, if their bills were not paid; but he stated, absolutely, in answer to question 1244., that it was a very common thing with gentlemen of the first fortune to let their bills be protested; — and therefore he assumed, in order to make his case good, that really there was no necessity for writing off protested bills! — He who, himself, objected to the public funds, and to deposits in the public funds, told the committee that protested bills were extremely good things to have!

Mr. HUME. — Read the question and answer.

The CHANCELLOR of the EXCHEQUER. — Undoubtedly, if desired.

You seem, in the previous part of your evidence, to have placed little reliance on the fact of bills being protested, that many of your protested bills were as valuable as those which were not so; is that so? — What I meant to convey was, that, in making out an account (we will suppose protested bills, 5000*l.* or 6000*l.*), we never had so much protested bills in hand, that we did not know, as certainly as we know the solvency of a bank note, that a great number of them were good. It is a common thing, with many gentlemen of the first fortune, to let bills be protested.

I think I am entitled to say that such testimony as this is not entitled to any very great weight. In the next question, he certainly stated that a mercantile person's bill, being protested, would be fatal to his character; but the whole of the former question applied to protested bills. The real question the House will have to decide, as a practical question, — after all, the main and practical question, — is, whether it is, or is not, expedient to preserve the exclusive issue of bank paper, payable on demand, in the hands of the Bank of Ireland, in Dublin and the metropolitan circle? I shall refer, again, to the evidence, — not evidence connected with the Bank of Ireland, but connected with its opponents. One of the points pressed upon in committee was, as to what would have been the effect of an unlimited competition in the issue of paper in Dublin and the metropolitan circle during the period of distress in 1836. Mr. Pim, being examined, said, that if all the great banking establishments had houses of issue in the metropolis, in 1836, the embarrassment would have been considerably increased — greatly increased.

Mr. O'CONNELL. — Read the question.

The CHANCELLOR of the EXCHEQUER. — The question is as follows: —

What do you think would have been the state of commercial affairs in Dublin at that period, if all the various banking establishments, — the Provincial, National, Agricultural, and Northern Banks, — had had houses of issue in the metropolis? — I think their embarrassments would have been considerably increased — greatly increased.

That is the answer; and it is exactly as I before stated it. If Honourable Gentlemen will refer to question 4112., they will find the evidence of Mr. Mahony, who was formerly an opponent of the Bank of Ireland. The following question was put to that gentleman: —

Having described the state of the law with respect to keeping houses of business in Dublin on the part of joint stock banks, what do you think would have been the effect, in the commercial crisis which occurred in the month of November last, had the existing joint stock banks generally had houses of business established in Dublin, not only for banking business, but for the actual issue of paper? — It would, certainly, under the system they were then carrying on, have increased their power of being mischievous, if they had those establishments for issue in Dublin as elsewhere; they would then, of course, have partaken in the issue of the Bank of Ireland as far as their connection and influence could have extended; and having, as in the case of the Agricultural Bank, mismanaged their issues, of course they would have had a greater power of mismanagement if they had had those establishments in Dublin.

The next person to whose evidence I would refer is Mr. Pim, again. In answer to question 500., he stated, that if everything was kept within the proper limits, the panics would not arise.

Mr. O'CONNELL. — Read the question.

The CHANCELLOR of the EXCHEQUER. — The question is unimportant.

Mr. O'CONNELL. — Not so; for it assumed a particular state of facts.

The CHANCELLOR of the EXCHEQUER. — Sir, I am quite ready to read the whole.

Your opinion, then, is founded on a state of facts, which, you would conceive, might very probably be shown to be misconduct; but, with prudent conduct, and proper banking principles, the issue in Dublin would be no more dangerous than the issue in the country, kept within its proper limits? — Why, I do not see that the Bank of Ireland sustained any difficulty, from having an issue in Dublin as well as in the country. If everything of the kind be kept within the proper limits, the panics will not arise; but the great difficulty, in cases of this kind, is, how to assign those limits; and that, if you afford to parties having a very extensive branch bank establishment over every part of the country, the facility of an unrestricted issue of notes in Dublin, and subject them to the competition which must arise in Dublin from all parties being allowed so to issue notes, I greatly fear the consequence would be, in a time of pressure, to increase the difficulties of the parties in Dublin.

Again, question 506., which was put by the Right Honourable Baronet the Member for Pembroke, was as follows: —

Bringing within the metropolitan limits, now exclusively assigned to the Bank of Ireland, such as exist without those limits, what do you think would be the effect? would it be salutary or injurious? — I think that, if there was no other restraint than exists in other parts of Ireland, and that we have no check to the increase of the numbers by the better management of banks, I should greatly prefer seeing the monopoly of the Bank of Ireland continued in Dublin, than throwing open the issue of notes to all parties without restriction.

You would be afraid to trust to the restraint arising from the competition of rival establishments, and the rapid returns of the issue of notes? — Yes, I would.

That is the evidence of a great banker of Dublin, unconnected with the Bank of Ireland, and who is directly connected with a rival and antagonist in trade; his evidence, therefore, is quite unexceptionable in respect of interest. There is one word which I wish the Honourable Member for Kilkenny would bear in mind in discussing this question, — a word of wisdom contained in Mr. Pim's answer to the question 515., where he states that it is not so much for trade in banking he is afraid, as for trade in making money. I am not more afraid than Mr. Pim is of a free trade in banking, and my proposition would give great freedom in banking; but I am afraid of a free trade in making money. The question 521., and the answer of the same gentleman, are as follows: —

Is it not almost certain that there would be that tendency among banks issuing in competition simultaneously at periods of commercial prosperity and consequent excitement on a rise of prices? — I think the temptation to an over-issue would be greatly increased by their all having establishments in Dublin.

I think I am entitled, after this, as far as the evidence of Mr. Pim, and more particularly that of Mr. Callaghan and Mr. Dunne, goes, to state that they were distinctly of opinion that it would be dangerous to have an unrestricted competition in Dublin and the metropolitan circle. There was one other witness, — Mr. Needham, — who was connected with the Royal Bank of Ireland, — a rival in trade of the Bank of Ireland, and which, though not a bank of issue, receives deposits, and transacts all

the other business of banking. Question 1674., and Mr. Needham's reply, were as follow: —

Supposing that, in the month of October, 1836, all the joint stock banks of Ireland had possessed and exercised the privilege of issuing notes in Dublin and the metropolitan district, do you consider that the pressure upon the metropolis would have been other or greater than it was when that crisis occurred? — My conception is that it would have been greater.

That was the answer. Again, question 1677., and the reply, were as follow: —

Do you consider that the exclusive privilege of issue, which is now enjoyed by the Bank of Ireland, gives to that Bank any injurious monopoly within Dublin and the metropolitan district? — I do not conceive that it does.

Mr. Needham further stated, in answer to question 1684., that the Royal Bank would not consider it desirable to avail themselves of the privilege of issuing notes, if it were given to them. This, be it recollected, was the testimony of an opponent of the Bank of Ireland. I would now refer to the evidence of Mr. Marshall, the very intelligent and able secretary of the Provincial Bank of Ireland. He was asked question 4486.

If the joint stock banks of Ireland had been authorised, by law, to issue notes in Dublin, as well as in the provinces, do you think the commercial pressure would have been greater or less than it was? — Had they carried on all manner of banking business in Dublin, and issued their own notes, I should have been disposed to say the pressure on some of these banks might have been greater.

How, then, stands the case as to evidence? We have had a trial of a time of pressure under the existing law; and we have, in the evidence of Messrs. Pim, Needham, and Marshall, the assurance that that pressure, at a time of difficulty, would be infinitely greater than ever; and, consequently, if we were now to open the trade in banking, so as to make it free within the metropolitan circle, at any other time of pressure that might occur, we should see that pressure augmented, if we believe the evidence of these practical men, — men who are not strangers or theorists, — but conversant in all the details of banking, and especially with banking in Ireland. But the case does not rest here. Some may say that a time of pressure is a contingent evil; some may be sanguine enough to affirm, "that no panics would arise, and no difficulties would hereafter exist; or, at all events, that the inhabitants of Dublin and the metropolitan circle ought not to suffer inconvenience, because there might arise a panic or a disturbance of the monetary system." Now, what is this inconvenience? Is it a want of accommodation? How stands the case? It is in evidence, — and I need not refer to the evidence, because it is quite notorious, — that, in Dublin and the metropolitan circle, the rate of money upon accommodation is lower and cheaper than it is in the provinces, with the competition of all these different banks. If, then, the rate of money — the value of money — is lower in Dublin and the metropolitan circle, how can it be contended that any kind of restriction is imposed on the banks? But the inferences to be drawn from this evidence do not rest here. What is the fact with respect to private banks, which formerly possessed the power of issuing notes? There is the bank of Messrs. Latouche and Co.; there is also the bank of Messrs. Ball and Co.; as well as others, — all possessing the confidence of the public. None can be in higher credit than they are; and there is one of them — that of Messrs. Ball and Co. — which issued paper to a very great extent, though the former has been more limited in its issue, and, towards the close of the period to which I refer, discontinued issues altogether. They may formerly have issued notes to a great extent; their credit, both now and then, and at all times, has been of the highest order: if it had been profitable, they would not have given up the practice. I will again repeat, that the rate of discount is lower in Dublin than in any of the provinces; and this I am enabled to state, upon the authority, not only of those who have no connection with the Bank of Ireland, but on the authority of the governor of that corporation. I therefore wish to have it explained to me, — for I profess not to be able to understand, — how it happens, that, with that fact staring them in the face, any one can be found to say that the exclusive privileges of the Bank of Ireland can have proved injurious? This fact of the lower rate of discount in Dublin was proved by Messrs. Callaghan and Wilson. I would refer Honourable Members to questions 1420. and 1476., from which it distinctly appears that the position I take is fully borne out by the most respectable testimony. The evidence is in these words: —

Then the exclusive privilege of issue on the part of the Bank of Ireland, at that period, had no effect in limiting the rate of discount to the people of Dublin? — No, certainly not.

Then, at 1476., the question and answer run in these words: —

Whoever has a note of the Provincial Bank, is first obliged to get it changed into a Bank of

Ireland note or a sovereign, before he can pay his bill? — But the Bank of Ireland accommodation is not so extensive as supposed; the accommodation afforded by the other establishments of Dublin is far beyond what the Bank of Ireland affords.

It has been stated, certainly, that other banks have afforded greater accommodation than the Bank of Ireland. In one sense, that is, certainly, not the fact, as has been proved, over and over again, in the evidence relating to the panics, and to the manner in which the Bank of Ireland behaved to other banking establishments in Dublin. Although the Bank of Ireland enjoys an exclusive privilege as regards issue, it enjoys no monopoly as a bank of discount. The evidence shows, as plainly as any testimony can, that the public, so far as the metropolitan district extends, has sustained no loss whatever; but it has equally been shown, with equal clearness, and upon testimony equally strong, that there would be the greatest possible danger if Parliament were to grant an unlimited competition. I, myself, enjoy the advantage of ten years' experience,—of practical acquaintance with the business of a joint stock bank,—and I conceive that that establishment could not be exposed to a greater, to a more imminent peril, than would arise to it from being invested with the unrestrained power of issuing notes — nothing, I feel assured, could prove more injurious to such a bank, than the abrogation of the exclusive privileges enjoyed by the Bank of Ireland. There is one point, connected with this part of the subject, to which I, now, desire to direct attention, — a point which does appear to me to be of considerable importance, — it is this; — a joint stock bank having many branches would incur the most serious injury,—nay, positive and evident injury, —from the privilege of carrying on business in Dublin, as a bank of issue. A joint stock bank having its branches spread over the country, — one in Cork, another in Londonderry, extending to the utmost limits from north to south, extending, again, from east to west, from Belfast to Galway, enjoying the confidence of, and transacting business with, every part of the country, — is it not, I would ask, a matter of the utmost importance that they should have a resident agent in Dublin, in constant and regular communication with these several establishments, receiving gold from the quarters in which it might be in excess, and transmitting it to those where it might be most wanted? Permit it to become a bank of issue, and immediately the agent at Dublin would become incapable of performing those functions, for the due discharge of which he must be considered chiefly responsible. It would be impossible to do business for the whole metropolitan district, and for the branches, at the same time. I, as a witness, do not hesitate to tell the House, that, if the bank with which I was connected had acquired the power of issuing notes, I should have felt bound, in prudence, to withdraw from it. In this view, I find myself fully confirmed by the testimony of Mr. Pim, at No. 377. The question and answer are as follows: —

Therefore, you consider the difficulties of managing a bank are very much increased in proportion to the number of branches they have established? — Recollecting, as I do, very forcibly, our anxiety when we wished to distribute funds to the several branches of the Provincial Bank, which were much less numerous than the branches of the Agricultural Bank, it follows, necessarily, that those difficulties must have been prodigiously increased: the difficulties are not increased in the ratio — in a mere numerical ratio; I think it is in a higher order.

I think, Sir, I have now shown, first, on the reason of the case, that the principle of unlimited issues ought not to be applied to Dublin, — that the principles of free trade, generally, do not apply to banks of issue,—that the tendency of unlimited issue must be to increase panics. These positions I have established upon the evidence of persons opposed to the Bank of Ireland, and connected with its rivals. I therefore call upon the House to continue the privileges of the Bank of Ireland for some time longer, — for a period that I shall specify, and under restrictions which I shall explicitly state. The paper of the Bank of Ireland has never, for a moment, been under the least discredit.

Mr. HUME. — Not during the suspension of cash payments?

The CHANCELLOR of the EXCHEQUER. — Yes — but that suspension was no act of theirs; they suspended their payments in cash at the bidding of the British Minister. But let the House look to them as a great banking establishment from that time forward: has there rested, for a single moment, the least discredit upon any part of their transactions? It will be recollected by all whom I have the honour to address, that, in the year 1836, the pressure was most severely felt; yet all these other banks received assistance from the Bank of Ireland; and, notwithstanding this, such was the condition of those banks, that it became necessary for them to have recourse to this country for

assistance to the extent of 1,500,000*l.* The Bank of Ireland, however, did not feel the pressure of that period to any greater extent than 20,000*l.*, although the assistance which they afforded other banking establishments, in that part of the United Kingdom, amounted to 200,000 sovereigns. With reference to the measure which I intend to introduce, I feel bound, in justice to myself, to state, that there has been no agreement entered into between the Government and the Bank of Ireland. I did not feel myself at liberty to contract any engagement with that body; on the contrary, I felt that it was my duty to hold myself quite free till the whole question came before Parliament; I conceived it to be more respectful to the House, not to enter into any negotiation, still less to conclude any agreement, without the previous sanction of the Legislature. The Bill which I intend to bring in, instead of reciting an existing agreement with the Bank of Ireland, will set forth that the subject has been brought under consideration, and decided.

The time, which should form an element of the intended agreement, appeared to me to be a matter of much importance. The House is aware that the charter of the Bank of England has been extended to the year 1844. It appears to me material that the privileges of the Bank of Ireland should be extended for a like period; — on good grounds, I should venture to propose the same period for both. I fear that, in making this proposition, I shall have to encounter the opposition of some amongst my own countrymen. I may, in adverting to this circumstance, be permitted to say that I have no peculiar interest in the wellbeing of the Bank of Ireland. I expect that my proposition will be opposed by many from whom I am in the habit of receiving support; — it may be unpopular, because it may be misunderstood; — I make it in perfect sincerity, not for the interest of a Government, or of any class of individuals, but with a view to the good of the whole community. I feel that I am proceeding at the hazard of much misconstruction, and at the risk of losing support to which I am accustomed, — believing that the course I have resolved to adopt is the only right course. I wish distinctly to say, that I am not prepared to alter the circle within which the exclusive privileges of the Bank of Ireland operate. I conceive these privileges to be necessary for the wellbeing of Dublin; and I expect that nothing will give satisfaction to my opponents, which does not include the town of Drogheda. In discussing this motion at the length which I have thought necessary, I beg to say that I am not arguing with those who think that there ought to be a free trade in banking, — those I could not convince; but with those who think there should be an exclusive issue in Dublin, and yet are desirous of giving a free trade in money to Drogheda. Drogheda is twenty-seven miles from Dublin; if we permit a bank of issue to be established in Drogheda, what by railway and other conveyances, nothing on earth could prevent any non-issuing bank, or merchant, or trader, in Dublin, at once to go to that bank and obtain 50,000*l.* in promissory notes, returning to Dublin, issuing them, and thus breaking down the monopoly of the issue in Dublin. It would be utterly impossible to preserve exclusive circulation within the metropolitan circle, were we to allow the power of making money to exist within thirty miles of Dublin. I cannot, therefore, yield on that point. I shall, now, proceed to state the pecuniary terms of the arrangement which I propose to carry into effect. On a former occasion, when we discussed this subject, my Honourable Friend the Member for Kilkenny reproached me with the amount of money which the Bank of Ireland received from the public. What, then, do they receive? There is a capital sum of 1,015,000*l.*, for which the public pay 5 per cent.; there is also a capital of 1,615,000*l.*, for which the public pay 4 per cent.; — in other words, for the use of a capital of 2,630,000*l.*, the public pay an annual sum of 115,000*l.* If the two sums are equally balanced, the rate of charge will be about 4½ per cent. Nothing, therefore, can be more obvious than that the charge has been improperly overrated. I propose, in the Bill I ask leave to introduce, in lieu of that rate of 4*l.* 7*s.* 6*d.*, to reduce the charge of this debt to 3½ per cent., which will effect a considerable saving to the public, — to the extent of about 23,000*l.* per annum. Perhaps it may be said that the sum they receive is still too much. Is it? Will Honourable Gentlemen secure me, if I go into the market to-morrow, that I should be able to pay off nearly 3,000,000*l.*, considering the present value of money, upon such advantageous terms? Let Honourable Gentlemen compare my operations under the most favourable circumstances, — let them look, for instance, at the price I paid for the West India loan, — and they must agree with me, that the present arrangement would be most advantageous for the public. But I have a right, also, to take into

the account the services which the Bank of Ireland renders. The Bank of Ireland sustains the whole expense of our funded operations, without charge to the public. The Bank of England, on the last renewal of the charter, made a reduction of 120,000*l.* in its annual charge; but we still pay a considerable sum for the management of our affairs in that respect. The whole of the Government business is transacted by the Bank of Ireland without any charge whatever; although, in addition to the operations conducted by the Bank of England, the Bank of Ireland also remits the revenue from the provinces to Dublin, from Dublin to London, receives communications in return, and pays ¼ per cent. deduction on remittances to the Bank of England.

Mr. O'CONNELL — May I inquire what amount of expense was occasioned to the Bank of Ireland by undertaking the management of the public debt?

The CHANCELLOR of the EXCHEQUER. — Sir, I beg to state that the Bank of Ireland employs an establishment of forty-two persons, at salaries, in one department, of 17,000*l.* per annum, and in another at 7000*l.*; so that the expense amounts to between 20,000*l.* and 30,000*l.*, independent of the charge paid for remittances to the Bank of England.

Mr. O'CONNELL. — What is the state of the balances?

The CHANCELLOR of the EXCHEQUER. — In former times, the balances of public money in the Bank were very considerable. In 1814 and 1815, when at the *maximum*, they amounted to upwards of 2,100,000*l.*; but of late years, since the establishment of the new system of Exchequer, the object of Government would be to prevent any accumulation of balances, and bring all public money to account with as great rapidity as possible. The balances have been reduced more than one half. In 1814, they amounted, as I stated, to 2,100,000*l.*; in 1815, to 2,066,000*l.*; in 1837, to 933,000*l.*; and, in 1838, to 977,000*l.* There is another transaction which I must bring under the consideration of the House. Honourable Members are aware that, a short time ago, a sum of 900,000*l.* was raised by Exchequer bills for the payment of Irish tithes. They were advanced as a loan, and the terms of the Act of Parliament prescribed repayment. I, and the other members of the Government, contended, at the time, that it was but just the loan should be repaid; but the House, of its own generosity, notwithstanding the resistance of the Government, thought proper to remit the whole. But those Exchequer bills remain outstanding. By the conditions of the Act, the Bank of Ireland is authorised to make advances on them: the Bank of Ireland now holds the Exchequer bills; they have not entered into the market. I therefore propose, as part of the arrangement, to take a power to fund the amount of Exchequer bills, by creating stock to the amount of their value, and transferring it to the Bank of Ireland, — the Exchequer bills being delivered up; the effect of which will be, to cancel that amount of the unfunded debt, without any expense or payment of premium on the Exchequer bills. This will obviously be a very advantageous arrangement for the public.

I have now stated the nature of the transaction between the Bank of Ireland and the Government; but a question as to the pecuniary arrangement still remains. Under an old Act of Parliament, an annual sum of 2000*l.* was charged on the Bank of Ireland towards the payment of certain offices of the Court of Chancery; but as these offices have long since been abolished, I propose to relieve the Bank henceforward from that payment. It may be interesting to the House to know, in passing, that the Bank of Ireland, to its great merit, has taken such pains in the improvement of its notes, as a medium of circulation, that forgery is scarcely known: within four years, notwithstanding the very large circulation of the Bank of Ireland, forgery of its notes has been committed only to the extent of 75*l.*

Having stated the arrangement I propose to make with the Bank of Ireland, I come, now, in conclusion, to what is by far the most gratifying part of the duty assigned to me. The plan I propose will be accompanied by measures greatly to the relief of the banking interest, other than the Bank of Ireland. Great as have been the casualties of 1836, and great as has been the proved misconduct of the Agricultural and Commercial Bank of Ireland, the pressure on the banks at that period affords the best possible evidence of the solidity of the principle of well-managed joint stock banks. No system was ever brought to a more severe trial than the system of joint stock banks in Ireland, in 1836; and the experience of that period has undeniably proved that, if conducted prudentially, and managed by men of business, the system is capable of

the most useful application. Having felt myself compelled to retain, within the metropolitan circle, certain privileges, the general extension of which I felt would be inconsistent and irreconcileable with the public interests, it has been my duty to consider whether certain other benefits could not be given to joint stock banks in Ireland. The non-issuing banks in Ireland are subject to great disadvantages. They have not the power of appointing, like other joint stock banks, a person by whom to sue and be sued; they have not the power of registering shareholders; and are driven to appoint trustees for the conduct of their business. I propose that they should, hereafter, have all those privileges. They may stand, in Dublin, perfectly free to receive deposits, take accounts, and conduct business, only they may not issue promissory notes payable on demand. At present — under a species of connivance or sufferance — they may have houses of business in Dublin; I propose they should now have the right to establish houses in Dublin for the regulation of their affairs, and the conduct of their business. I propose to give them the power of drawing and accepting bills, and engaging, in that respect, in the business of remittance and exchange; but in order to preserve exclusive issue in the metropolis, I must place some limit upon that power. With the view, therefore, of giving the full means of issuing bills of exchange for the purpose of remittance, but not for entering into the circulation, the limit I propose will be 10*l.* in value, and ten days to run. I propose to the House to impose on the Bank of Ireland the necessity of making a Return of its liabilities and circulation, in the same manner in which it is prescribed to the Bank of England. I think it would be very creditable to the other great banks of circulation in Ireland to make similar Returns; but, at the present moment, not being prepared to go into the general law for the regulation of joint stock banks, I do not think it would be fair to impose that duty on the joint stock banks of Ireland, without, at the same time, imposing it on the joint stock banks of England. But, as we are preserving, for a certain time, the exclusive privilege of issue to the Bank of Ireland, the House has a right to require from it some information with respect to its transactions, in the same manner as we require it of the Bank of England. Let it not be said that the results of these measures will be, to keep up the monopoly of banking business. With the exception of the circumscribed issue within the metropolitan district, banking in Ireland is entirely free. Of all countries, Ireland is the last to be trifled with as to banking accommodation. No country has suffered so severely, or to such an extent, from bad systems of banking; and the poorer classes — the small farmers invariably — are the chief sufferers. If Parliament should do anything to excite speculation, or encourage over-issue, the most fatal consequences must be the result. I have seen, under the old system, notes in Ireland degraded to 1*s.*, 6*d.*, 3*d.*, and even 1½*d.*; I have seen checks unaccepted, and yet in circulation through the country; I have seen notes payable so many days after date, without a date; and notes payable at sight, without acceptance. This led, of course, to the absolute ruin of the poorer classes. If any one refers to the evidence upon this subject, — especially in connection with the Provident Bank (established by Mr. Moony), the Southern Bank, and the whole proceedings of the Agricultural and Commercial Bank of Ireland, — he will find that that state of things is not confined to the former system. Do not let it be said, — "Security is everything;" — it is not a universal *panacea*; mismanagement must be guarded against. Nothing would tend more to the revival of the old system, than allowing, within the metropolitan circle, an unlimited competition of paper money. I know that it is popular to say, "Give us time; we want no monopoly; all we demand is competition." This, in my opinion, is not a sound way of treating the question; this would not, in my opinion, lead to a sound system of banking. When I show what has been the effect of competition in banking in Ireland, — when I show that, in the metropolitan district, there has been no practical difficulty, in consequence of the present system, — when I show that competition would shake the notes of a bank, which, hitherto, has never been discredited, — and when I likewise show that competition has invariably led to speculation and over-trading, — I think that I show sufficient to prove that the adoption of such an unrestricted mode of banking would hazard the security of all commercial transactions in Ireland. I have already stated my first resolution. I would now announce the substance of my second. I propose, under the authority of the Act of the 28th of the late King, commonly called the Savings Banks Act, to give stock to the Bank of Ireland for the Exchequer bills it holds, at the average price of the quarterly purchases for the last quarter. I conceive that, without any derangement of the money

market, I can give to the Bank of Ireland, for the 900,000*l.* of Exchequer bills which it now holds, a proportionable quantity of stock, calculating it at 92, — the average price of stocks for the last quarter.

I believe that I have now made all the observations which I deem necessary on the subject; and I shall therefore conclude by moving my first resolution, — "That it is expedient to continue, for a limited period, to the Governor and Company of the Bank of Ireland, certain of the privileges now vested by law in that corporation, subject to such conditions as may be provided by any Act to be passed for the purpose in the present Session of Parliament." I will also state my second resolution, which is — "That the Governor and Company of the Bank of Ireland shall be entitled, for all Exchequer bills (being bills issued in pursuance of two Acts for the relief of the owners of tithes, and for abolishing compositions for tithes in Ireland, and not exceeding, in the whole, 900,000*l.*) which shall be delivered up by them to be cancelled, to receive for the same, and for the interest due thereon, such an amount of three pounds per centum consolidated or reduced annuities as the said Exchequer bills and interest would have purchased, if the same had been applied in the purchase of such annuities, estimated at the quarterly average price at which the said annuities might have been purchased in the quarter in which the said Exchequer bills shall be delivered up to be cancelled."

Mr. HUME. — I shall not address myself to the latter resolution, unless the committee agree to the first; for if the committee agree to the first, which I think that it ought not to do, a better occasion than the present will be offered to me, hereafter, for discussing the second. I shall address myself to the subject generally, which the Right Honourable Gentleman has brought before the committee; and I shall commence by stating that I have not heard any, the slightest, reason fall from the Right Honourable Gentleman, which at all affects my judgment against the propriety of agreeing to the proposition contained in the first resolution. I concur, however, with the Right Honourable Gentleman, in this, — that the subject is of great importance, not only to the people of Ireland, but also to the people of England; and I complain, that being, as it undoubtedly is, a subject of high importance, it has, after an inquiry protracted over the long space of three years, been brought on at the very last period of the Session. I complain of it, because, having trusted in the representation that it would be brought in soon after the meeting of Parliament, I was — credulous and trusting as I am ——

[Laughter.]

— deluded into suffering the subject to be postponed till now, when it is almost too late to deal effectually with it. With respect to the Irish joint stock banks, I think that they have good ground for complaining that her Majesty's Ministers have proceeded in this very tardy, dilatory manner, in a matter so vitally affecting their interests. I hold in my hand a copy of the correspondence which took place between Lord Melbourne and a Committee of Joint Stock Banks on this subject, to which it may be as well for me shortly to call the attention of the committee. I find from it, that a deputation from the Committee of Joint Stock Banks waited upon Lord Melbourne, on the 24th of November, 1838, for the purpose of ascertaining from him what measures he intended to take with respect to the Bank of Ireland, and in order to impress upon his Lordship the necessity of doing something without delay. That deputation reported, that, from Lord Melbourne, no answer whatever could then be obtained. In January, 1839, the same committee addressed a letter to her Majesty's Government, pressing it to do something upon the subject, and to inform them what that something was to be. To that letter no answer was returned. On the 30th of April, 1839, the same committee addressed another letter, with the same request, to her Majesty's Government; but to that letter, also, no answer was returned. On the 17th of June, the same committee addressed to the same parties a similar letter; and that letter led to an interview between Lord Melbourne and the parties, in which the leading features of the present plan were communicated to them. I lament that her Majesty's Ministers have allowed this matter to hang over so long; for, besides the inconvenience occasioned to the parties most interested in this matter, by this delay, I can show that it has placed the country in the position of being obliged, now, to fund this loan of 900,000*l.*, which has been referred to, at a great disadvantage. This will be self-evident, when I state that, in January, stock was at 101¼, whereas it is now at 92, — leaving a clear loss of the difference between these two prices, multiplied by the amount required to be funded. The Right Honourable Gentleman has not

stated one word to show why the system, which has operated so beneficially in Scotland, should not be introduced into Ireland. I lament, also, the want of uniformity in our banking system;—no less than six different modes of regulating the circulating medium exist in the United Kingdom; and the distress and difficulty arising from our monetary system are caused by the monopolies which are given to particular parties, and which enable them to disturb, instead of regulating, the circulation of the country. Instead of being the regulator of the currency, the Bank of England produces, by its own operations, the principal evils attendant upon our monetary system. The Bank of Ireland is likewise a cause of the disturbed state of the currency; and therefore I wish to see it removed. Since 1797, when the Bank Restriction Act was first passed, we have had nothing but Reports of committees, and pamphlets after pamphlets, on the state of our currency. On the contrary, in France, where, in the year 1791, a metallic currency was established by the National Convention, to which the assistance of paper was not denied, there has not been a single pamphlet since written on the subject, nor a single measure introduced into the Chamber of Deputies. The currency in France has remained uniform and steady, whilst in England it has been liable to perpetual fluctuations. By contrasting the uniform and steady state of the currency in that kingdom with our fluctuations, and the losses entailed by them, it is impossible not to see that our system is faulty; and this being the case, it is the duty of Parliament to consider whether it cannot discover where its faults lie, and whether it cannot amend them. It is this renders me so anxious to bring this subject under the consideration of the House. In advocating, as I do, a free trade in banking, no man can be more anxious than I am for a metallic standard —no man more fearful of a depreciation of the currency — no man more ready to do all in his power to aid and support public credit by securing a gold currency. I am prepared to contend that this country would be much better off, if it had nothing but a metallic standard. In this case, neither the working classes nor their employers would be liable to those changes under which both have suffered severely. I, however, see the necessity, and I am ready to support the principle, that paper money should, to a certain extent, be brought to aid the metallic currency. Let the committee, then, examine how far this principle is now about to be extended to the monetary system of Ireland. The Right Honourable Gentleman proposes to continue the present monopoly of the Bank of Ireland. In making this proposition, the Right Honourable Gentleman proposed to prove the successful working of that system, and to show that there can be no security to the country against an over-issue of paper in the Dublin district, if the issue be not confined to one bank,—and that bank the Bank of Ireland. I did expect that the Right Honourable Gentleman would favour the committee with some reasons to prove the necessity of his present proposition; but I have expected them in vain. I anticipated that the Right Honourable Gentleman would have shown some reason for his opinion, that a bank, which he allows to issue notes *ad libitum* at Belfast, and which he asserts can issue them at Belfast without danger, should not be allowed to issue them in the same manner at Dublin. I have not heard from the Right Honourable Gentleman a single argument to show that the power of issue would be exercised by it more injuriously within than without the metropolitan circle. When I look to what has been the conduct of the immaculate Bank of Ireland, I find that it has not been so steady as it ought to have been. What is the advantage supposed to be derived from this bank in comparison with joint stock banks? Why, that it will provide against a commercial crisis. But I contend that a commercial crisis has already resulted from the conduct of the Bank of Ireland. When the Right Honourable Gentleman vents his indignation against Mr. Callaghan, because he did not know that the Bank of England had raised its interest, what will he say, when I tell him that the Bank of Ireland did not know that the Bank of England had raised its interest? In 1836, —a year of pressure, — with securities amounting to 6,883,000*l.*, liable to be called for, having issued 1,500,000*l.* in notes, and with 2,800,000*l.* deposits, they had only 887,000*l.* of bullion to meet demands. Was a proportion of 1 to 8 a right proportion, instead of 1 to 3? Yet, for three years, they went on reducing their bullion, till, in a year of pressure, it amounted to only 887,000*l.* So much for their being prepared with gold to sustain credit. When the difficulty arose, what did the Bank of England do? It sent for 700,000 sovereigns. What did the other bank do? It did not refuse to take Bank of England notes, but it refused to take bills of the best class: and, if the Right Honourable Gentleman look at the amount of discounts, he will find that the accommodation given to the public was

not what it ought to have been. They discounted more bills in 1808 than in 1836. Sir, I rest the whole question on this,—can there be an over-issue of paper? Can it be, in a free state of banking, as in Scotland, that one bank can issue more money than the circumstances of the country require? A banker at Aberdeen, undoubtedly, might issue 50,000*l.* of notes, which might go to Edinburgh; but in a few days they would return, if there was no want of them. The quantity of paper which can be maintained at any time depends on the operations of commeree,—being at one time greater, and at another less; but if the notes are not exchangeable into bullion, no banker, in a free state of banking, can keep out a greater quantity than the circumstances of the country require. The error of the Bank of England was, that they did not attend to the effects of over-issue, till they saw the exchanges brought against this country, and the bullion going abroad. There is no such thing as this in Scotland;—if there were an over-issue in that country, in a few days the notes would return to them, and they would have to pay them in bullion at a great loss. So it should be in England and Ireland; and it is because I want to see it so, that I desire the monopoly to be reduced. The difference between the free banking system of Scotland, and the monopolies in England and Ireland, is the same as that between freemen and slaves. If the latter countries were as free as Scotland, in this respect, no over-issue would take place. With regard to over-issue, I will read to the Right Honourable Gentleman the answers of one or two witnesses before the committees. Mr. Horsley Palmer, in his evidence, in 1832, being asked what he meant by "over-issue," said it arose from excess of prices. "It is clear," he said, "that bankers only legitimately issue, as a demand arises in the prices of a country; but prices may be above the relative value of the country, and in that case an over-issue may exist." Mr. Gibbons, who was connected with the Birmingham and other banks, was asked, —"Suppose there was an issue to excess, what would be the consequence?" He answered,—"It would be returned to the bank." The Right Honourable Gentleman says there would be an over-issue in Ireland; I say, then, the notes would return to the bank. Mr. S. Gurney said that over-issue could not be effected by any acts of a country bank: and my opinion is, that the power to produce such an effect is the monopoly of the Banks of England and Ireland.

There is another circumstance which I must remark. It is well known that, in 1826, a correspondence took place between Lord Liverpool and the Bank of England, when it was thought necessary that the monopoly of the Bank of England should be relaxed, — a measure of which the Right Honourable Gentleman, himself, was a strong advocate, though now he refuses to reduce the monopoly of the Bank of Ireland. What did Lord Liverpool say? When the Bank proposed a continuance of this monopoly, he answered, —"With regard to the extension of the term of your exclusive privileges, I must observe, that Parliament will never agree to it; such privileges are out of fashion; and how can the Bank expect that their exclusive privileges will be renewed? You have no reason to look at such a consequence with dismay; for you will remain a chartered corporation, carrying on the chief banking business of the state." I consider it a great misfortune for the country that Lord Liverpool did not live to carry out this doctrine. But does not the same observation apply to the Bank of Ireland? Are not such privileges still out of fashion? Lord Liverpool said that there was no reason why the Bank of England should look at the admission of free banking with dismay; and I say the same with respect to the Bank of Ireland. I think it has been a serious evil, that the Government should have renewed the monopoly of the Bank of England; but if they have committed one evil, let them not commit another, by renewing the monopoly of the Bank of Ireland. But the Right Honourable Gentleman talks of expediency. I leave it to the House to judge whether he has adduced a single instance to prove the expediency of continuing the monopoly. His reasoning is founded on erroneous principles; it affords no argument whatever in favour of its continuance. The Right Honourable Gentleman spoke of the capital of Scotland; but he is mistaken as to its amount. The capital paid up of the twelve great banks of Scotland amounts to 8,300,000*l.*, and no more, and the deposits in the banks amount to 17,000,000*l.*; so that the banks of Scotland are rich, not in amount of capital, but of credit; for the capital of the Bank of Ireland is between 7,000,000*l.* and 8,000,000*l.* The confidence reposed in the banks of Scotland arises from the prudence of their conduct; and if they exceed, in their issue, the fair demand for it, their paper will be thrown in upon them. Let it be the same in Ireland; and the Right Honourable Gentleman will not say that the riches of Scotland have created the banks, but that the banks have tended to create riches in Scotland. In all the panics, I consider the Banks of England

and Ireland to have been the disturbing parties; they have, themselves, led to all the ups and downs which have been witnessed in both countries. But give to Ireland the benefit of a free trade in banking, the same as Scotland enjoys; let Ireland have nothing to do with exchanges, but be placed on the same footing as Scotland; and I am satisfied that the same beneficial results will take place. Why should any man in Dublin, desiring to send money to England, be prevented sending it by a check or bill on London? and yet this is an advantage of which the people of Ireland are deprived by the monopoly which it is now sought to continue. The whole system has been to exclude capital from Ireland, and to impede and harass her commercial transactions. The towns of Drogheda, Newry, and Dundalk have not the advantages enjoyed by the people of Scotland; and I am at a loss to know why the good management of the northern banks, by which those establishments have gained the confidence of the public, and raised the prices of their shares, should not be allowed to exist in towns within the charmed circle of fifty miles of Dublin? Why should not the people of Drogheda be permitted to have the benefit of a local bank, as well as the people in the province of Ulster? The Right Honourable Gentleman undertook to show the expediency of continuing the monopoly of the Bank of Ireland; but the details he cited appear to me to be totally inapplicable to the purpose for which he has quoted them.

The Right Honourable Gentleman referred to the melancholy details of the occurrences which took place in this country and Ireland in 1826; but, I will ask, why did not the same crisis take place in Scotland? Because in London the Bank of England had a monopoly, and because in Dublin the Bank of Ireland had a monopoly, which did not exist in Scotland. The Right Honourable Gentleman found fault with the evidence of Mr. Callaghan, in stating what the Bank of Ireland ought to have done, — that which it neglected to do. If I had been examined before the committee, I should have stated, in still stronger language, my impression of the deviation of the Bank of Ireland, as well as the Bank of England, from the rules of good banking. Upwards of 3,500,000*l.* of the capital of the Bank of Ireland is vested in Government securities, — all the money they have to deal with being 7,000,000*l.* Mr. Callaghan stated that the Bank acted upon an improper principle of banking; and that the banker, who holds assets for circulation, and holds deposits also, ought not to lock up the money in Government securities. It was proved before the committee, in 1832, that these are not available securities. When the Right Honourable Gentleman laughs at the recommendation to the Bank to vest their money in commercial bills, because some of them may possibly be dishonoured, he does so in ignorance of the effect of the evidence of 1832 upon this point; because, by that evidence, it was proved that, in the year 1825, commercial bills were a better resource than Government securities. The Bank of Ireland has 3,500,000*l.* of capital vested in public securities, and 3,500,000*l.* in private securities, and has only 887,000*l.* in bullion to meet its issues and deposits. Let a crisis come, and it will be impossible for that Bank to meet it. But all irregularities would cease the moment the trade in banking was made free. The Right Honourable Gentleman has said that, though he would admit of free trade in banking, yet he must protest against free trade in coining. I deny that the issuing of paper is coining. The Government issues gold; the Bank issues paper; and as long as that paper is convertible into gold, it is, and must be, held equivalent to gold. It is true that the paper may displace a portion of the gold; but that circumstance will not alter the value of the note. The note will be of equal value with gold for every national and local purpose; and while the people of Ulster, residing fifty-one miles from Dublin, have power to issue what paper they please, I am at a loss to understand on what grounds the same privilege is refused to the people resident within the magical circle of fifty miles round Dublin. But now we come to the exchanges. These are held to be the only test of the depreciation of the value of paper. If the Bank of England, in August last, paid attention to the exchanges, when they began to turn against this country, much of the evil now felt would have been prevented. The coining of paper (as it is called) could not be in excess. It would come back to the banks, if the amount exceeded the demands of the country. On this ground it is, that I am surprised that the Right Honourable Gentleman should give a power to persons living beyond fifty miles of Dublin to issue paper, and yet refuse it to those who reside within that distance. Why should this plague-spot upon the commercial spirit of Ireland be continued? If joint stock banks can be trusted to issue notes both in England and in Ireland, beyond the limits of fifty miles, it requires to be shown why they should not be trusted to do so within that distance. I hope the House

will not adopt the resolutions proposed by the Right Honourable Gentleman; but, on the contrary, will declare that Ireland is entitled to the same measure of justice as is enjoyed by the people of Scotland. So much for the principle on which the resolutions proceed. I will only say one word with respect to the plan proposed by the Right Honourable Gentleman. I do not think the Right Honourable Gentleman has acted wisely in the course he has pursued. In January, 1838, the three and a half per cents. were above par; then it was that Government ought to have come forward and paid the Bank of Ireland back its capital. The Bank of Ireland ought not to have any of its capital in the Government securities. The Government ought to pay the Bank, in order that it may use its capital for commercial purposes. The Bank obtains nothing equal to what it could do in the way of discount, if it possessed the whole of its capital. The Bullion Committee of 1819 stated that the Bank of Ireland could not conduct its affairs properly, until the whole of the money Government owed to it was repaid. A portion was subsequently paid; but the whole ought to have been paid. By the Government having paid 3½ per cent. on the debt, since the termination of the charter, the country has lost 30,000*l.*; for the Government might have obtained the money at 3 per cent. On the whole, I think the people of Ireland have been kept too long under the thraldom of this monopoly. They are entitled to perfect freedom in their commercial transactions; and, on these grounds, I hope the Right Honourable Gentleman will not succeed in his plan, but that the House will agree to give the people of Ireland the same facilities as are now enjoyed, most beneficially, by the people of Scotland. I trust to see this question taken up early next Session; but, as a matter of principle, — not having heard one single argument, that I conceive to be sound, for continuing this monopoly to the Bank of Ireland, except it is that the charter of the Bank of England will expire in 1844, — I beg to move, as an amendment to the resolutions of the Right Honourable Gentleman, "That the exclusive privileges enjoyed by the Bank of Ireland shall cease, so soon as the notice required by law can be given."

The question having been put, —

Mr. CLAY said: — I have listened attentively to the speech of my Honourable Friend the Member for Kilkenny, and I do not think my Honourable Friend has laid sufficient grounds to induce the House to agree to his amendment. With regard to the peculiar condition of Ireland, as bearing on this question, I do not think it necessary to trouble the committee with more than one or two observations; — first, because the Right Honourable Gentleman the Chancellor of the Exchequer has gone into the question at great length; and, secondly, because this question has now become entirely a question of principle. The privileges enjoyed by the Bank of Ireland will cease in 1844, the same as those possessed by the Bank of England; it will then depend upon the Parliament to determine what system shall be permanently established. The question now before the House is, as between what my Honourable Friend calls the system of free trade in banking, — that is to say, in issuing of notes, — and the best system of control which it is possible the wisdom of Parliament can devise. As regards the present condition of Ireland, in relation to this question, I will only make two observations: — First, that there was no evidence given before the committee, — for which I, myself, moved, and which I constantly attended, — to show that there was any want of fair banking accommodation in Dublin to persons worthy to receive it, or that a man might not get a good bill discounted; — and it would not be a good system under which a man could get a bad bill discounted. Again: with regard to the pernicious influence said to be occasioned by the monopoly of the Bank of Ireland within the circle of fifty miles, the town of Drogheda has been expressly alluded to. It has been said that it is especially hard on this town, that it should be excluded from the benefits of the free trade in banking, which are enjoyed by other towns that are out of the circle of fifty miles. Has this town suffered by this deprivation? In Tuesday's paper, there is a report of a meeting held in Dublin, last Thursday, for the purpose of passing resolutions adverse to the plan of my Right Honourable Friend; and what was said with regard to the town of Drogheda? "Let us," said one of the speakers, "look at the town of Drogheda. There, the genuine effect of national enterprise manifests itself. To that town, one may look with pleasure for what an intelligent and industrious population can effect. Several flax and cotton mills have been built there within the last seven years, — some by joint stock companies, others by individuals; and they are all doing well, and are full of work." Then — with a species of logic peculiar to Irish-

men — the speaker went on to argue why the present was a very bad system, and why some other should not be tried. But this statement is, at all events, evidence that Drogheda is not decaying. My Honourable Friend has, in terms forcible and clear, stated the principle which he thought should regulate the monetary system of this country. He said, in so many words, that, in the system of free trade in banking, there could be no over-issue of paper; and he further said, that the notes were exchangeable, at the will of the holder, into bullion. He relied, for the maintenance of these propositions, on the evidence of — first, Mr. Gurney; and, secondly, he referred to the result of the system in Scotland. What did Mr. Gurney say? He said, there might be an over-issue by the Bank of England, but no over-issue by the joint stock banks. But what was the reason stated by my Honourable Friend, why there could not now be, for any length of time, a great over-issue? The reference is curious enough, because the very instance adduced by Mr. Gurney shows the advantage of the present system. The reason why there cannot, now, be a very great excess in the issues by private or joint stock banks, is, because their notes must always be liquidated in the currency — that is to say, the notes of the Bank of England. If they issue notes in excess, they will be called upon to pay them in a sound currency. There may, however, be an over-issue by the Bank of England for a time, because it is the foreign exchanges only that can check that over-issue. Next, my Honourable Friend referred to Scotland; and, beyond all doubt, he referred to the only instance which can be given in defence of the system of free trade in banking. It has always been felt, by all writers and reasoners upon this subject, that the system of banking in Scotland is a great anomaly, not reducible to any known rules. There are banks in Scotland with four or five partners; others with a great many; some with a limited, others with an unlimited, liability. Therefore, the success of Scotch banking may be used with as much justice as an argument in favour of any other system of banking, as it can be in favour of the principle advocated by my Honourable Friend. The facts with regard to Scotland are — that nearly a hundred years ago three chartered banks were established there. They were very sound and solvent banks, but were conducted without any precise rules. When other banks were established, they were obliged to conform to the course pursued by these chartered banks; and the result was, that a species of strict police was formed among all the banks of Scotland. The circumstance that is wonderful in all this is, that such a system should have grown up to its present extent. It has, however, grown up, and is an exception to all rule; but it is by no means a safe instance to rely upon. Still I am somewhat sceptical as to all the advantages that have been attributed to it. My Honourable Friend is not correct in saying that there is no instance of failure of any bank in Scotland, except the bank in Ayrshire; because, since the failure of that bank, there have been five or six other failures; though the system, generally, has certainly been successful. Still, that system is very stringent and severe upon the community. Though the banks do not, themselves, break, yet they occasionally cause considerable breakings among their clients; because they occasionally put on the screw, somewhat unrelentingly, in order to save themselves. But this Scotch system of banking is the solitary instance that can be adduced in defence of the system advocated by my Honourable Friend. All other experience is against it. There is no system of free trade in banking, of which the world affords an evidence, that does not go directly in the very teeth of this system. The reason is apparent. Where there are many banks issuing in competition one with the other, there will be a natural tendency to over-issue, from a disposition to give more accommodation in times of prosperity, in order to gain business. Where there is nothing to check this tendency, — where there is not one great regulator of issues of the currency, — it is absolutely certain that there will be an over-issue. The check which my Honourable Friend relies upon, is no check at all; for, where all the banks issue simultaneously, the relations between the demand and the amount of the issues, by a return of the notes, cannot be preserved. My Honourable Friend says that there is no instance, but that of Scotland, where free trade in banking exists. It is remarkable that he should have overlooked that country where the system of free trade in banking has existed for the longest period, — I mean the United States of America. The system not only exists there in its most prominent form, but it has been recently tried under those very circumstances of excellence, upon which my Honourable Friend relies; for he relies upon the joint stock principle. That is the only principle adopted in America. There are no private banks there, whatever. The sys-

tem there observed is incomparably better than that pursued in this country; and, with some slight alterations, is well worth our adoption, as far as mere banking is concerned. The same system extends over the whole of the Union; and I will say, that, without meaning any disparagement to the banks in England, the banks of America are immeasurably superior in every respect. They are better ordered, — they have better regulations, — they comprehend more of the wealth, the intelligence, and the respectability of the country, in proportion to the whole population, — than the banks in England. Yet they afford an instance, which this country would be insane not to profit by, of the truth of this proposition, — "that to no banks, private or joint stock — to no associations — can the whole and sole control of the issue of paper money be solely intrusted."

The history of the free trade system in banking in America is too pregnant with a moral, to allow of its being passed over in silence. The misfortunes of the American banks, immediately after the war terminated, in 1814, must be familiarly known to every one. In 1814, all the banks in America, except at Massachusetts, stopped payment. There existed, for many months, the most wretched state of uncertainty, variation, and doubt, as to the value of the paper currency. Bank paper, at one place, was at 10 per cent. discount; in another, 20 per cent.; and in another, 30 per cent. discount, and so on. In 1816, the pressure of these evils led to the establishment of the United States Bank, having a charter granted to it for twenty years, with a capital of 35,000,000 dollars; and, without being absolutely a Government establishment, it is so far such, that it became the central bank of America, and the United States Government became a shareholder to the extent of one fifth of its capital; that is to say, the Government took shares to the amount of 7,000,000 out of the 35,000,000 dollars. It is allowed by all the best authorities on American finances, that that bank was mainly instrumental in restoring a sound currency in America. I allude, particularly, to one who is well known as the most able American financier, and whose work on the subject of its finances is regarded as of the highest authority, — I mean Mr. Gallatin. That gentleman attributes the sound currency of America to the influence of this bank. But be this as it may, I will now come to other facts. In 1820 (four years after the United States Bank was established), there were 308 banks in the United States. In 1830, the increase was 12 only; — there being, then, 320 banks, having a circulation of 61,000,000 dollars. Very shortly after the year 1830, began that quarrel between the President of the United States, (then General Jackson,) and since followed up by Mr. Van Buren, of which the world at large must be cognizant. The President having quarreled with the bank, the quarrel soon assumed a political aspect, — parties in America espousing one side or the other. The result was, that Government refused to renew the charter of the United States Bank, and demanded to be repaid their portion of the capital. They took away the Government deposits, and distributed them among a number of the States banks, which hence got the name of the Debt Banks. The central guide for banking in America, was, therefore, at an end. Their charter expired in 1836. It was clear that, between 1830 and 1834, the charter would not be renewed. What was the number of banks in 1834? The banks had, in 1834, increased to 506, having a circulation of 94,000,000 dollars, — an increase of 50 per cent. in four years. In 1836, the banks increased to 567, with a circulation of 140,000,000 dollars. In 1837, — namely, in one single year, — the number of banks had increased to 677, with a circulation of 187,000,000 dollars. Here, then, was free trade in banking in its best form; and under which form my Honourable Friend has said it is impossible there can be an over-issue or an excess of paper money. But my Honourable Friend not only relies on the joint stock system, but on the power which the holders of bank paper have of changing their notes into specie. My Honourable Friend considers every man bound, by law, to receive specie in exchange for paper, and that this right will operate as a check upon excessive issues. But, in America, where the system of banking is perfectly free, there is this peculiar feature in the system, — that the issuers of notes are entitled to decline paying their notes on demand, by paying 24 per cent. interest to the holders during the period that they refuse so to pay their notes in specie. Instead, then, of allowing their notes to be payable, on demand, in gold, the American Government have, on the contrary, taken care to fence the change of their notes into specie with various safeguards and penalties. There is a most extensive over-issue of paper money in that country, the inevitable result of such a system. In the memorable period from 1834 to 1837, there was an increase in the paper currency of no less than 95 per cent.: the consequences are well known;

every bank in the United States stopped payment. Such is the happy, healthy state of things resulting from this system of paper currency! This occurred in the period from January, 1834, to January, 1837. Let the House next consider what was the state of the currency and monetary interest in England at that time, subject to the wretched system of the Bank of England. In January, 1834, the current paper of the Bank of England was 17,469,000*l.*; private and joint stock banks, 10,152,104*l.*; — total issue of notes, 27,621,104*l.* In January, 1837, the issue of the Bank of England was 17,998,000*l.*; private and joint stock banks, 12,011,697*l.*; — total issue of notes in 1837, 30,009,697*l.*, — which gives an increase of 12 per cent. on the issue of 1834. Therefore, while in that country, — America, — under the system advocated by my Honourable Friend, the paper currency increased 95 per cent., and during that period the whole of their banks stopped payment, — here, the increase was only 12 per cent., and the same ruinous disturbances of commercial interests and checks to the public credit have not been felt. I do not say that that system is the best which could possibly be devised, or that the Bank of England conducts its business always in that way which I think most conducive to the public interests; but I say that, with all its faults, the monetary system under which we live is, upon the whole, the safest, and best calculated for the support of public credit. Let me next call the consideration of the House to what has been stated by the highest authority in America on the subject. On the 4th of September, 1837, — being four or five weeks after the universal stoppage of payments to which I have already alluded, — an extraordinary meeting of Congress was called, at which the President delivered a message, from which I will read the following extract:—

The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to over-action in all the departments of business, — an over-action deriving, perhaps, its first impulse from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit. . . In view of these facts, it would seem impossible for sincere inquirers after truth to resist the conviction that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, are suddenly, without any great national calamity, arrested in their career, and plunged into embarrassment and distress. In both countries we have witnessed the same redundancy of paper money, and other facilities of credit, — the same spirit of speculation, — the same partial successes, — the same difficulties and reverses, — and, at length, nearly the same overwhelming catastrophe.

Such, then, was the opinion of the highest executive authority in the United States, — distinctly attributing their condition to excessive issues of paper money. What were the sentiments of the principal men of business? A meeting of business men, from the different States in Philadelphia, took place on the 15th of November of the same year, who gave the following account of their condition: —

Possessing a wide and fertile country, a climate adapted to the production of everything which contributes to the health or happiness of man, with an enterprising and intelligent population, with the friendship of all nations, the bounties of the earth and the smiles of Heaven, it would seem that we must be prosperous and happy above all people; and, when we inquire into the actual condition of the people, we discover that actual distress and gloomy forebodings have spread dismay and ruin over prospects recently so brilliant. Bankruptcy has overtaken thousands of our most worthy and enterprising men of business; our banks are unable to meet their engagements; instead of a sound and healthful currency, we have a paper circulation, based upon promises which are not performed — or, what is still worse, a species of paper currency containing no promise to pay till after a lapse of time which will wear them to rags. The merchants are unable to pay the manufacturers; the manufacturers are unable to go on with their work; the labourers are unable to pay for bread; and the spindle and the loom and the tool of the artisan are still; and thousands, who, twelve months ago, enjoyed a comfortable subsistence from the rewards of honest industry, are now trembling on the brink of despair.

I hold that such results must be the inevitable consequence of the system of free trade in banking. If there be no limitation on the issue of paper money, one of two things must, eventually, occur. If it be not redeemable in specie, it will depreciate very greatly in value. This has been illustrated in England during the Bank Restriction Act, and in Russia, and generally in despotic states. In countries, again, where it is exchangeable into specie, the system must inevitably end in one universal stoppage of payment; for it is quite impossible for bankers, under such a system, to keep a sufficient amount of bullion in their coffers to enable them to meet all the demands which can be made upon them. If a considerable run were to take place upon such banks, as has been the case in America, it is beyond all doubt that similar results would unavoidably take place. My Honourable Friend has spoken in terms of eulogy of the system of banking in France; and boasts that, since 1791, the Legislature of that country have had no occasion to in-

terfere, to enforce a uniform system of banking regulations; but my Honourable Friend must be aware that the system in France is very different from that which obtains in this country or America. It presents a considerable contrast to the system which has been adopted in either the one or the other. In France, they have scarcely any bank notes at all. It is difficult to arrive at the exact amount of specie in France; but, from the best sources to which I have had access, I believe it to be about 85,000,000*l.* sterling. This is the amount of specie current, there, according to the most accurate calculation. The bank notes in circulation are under 12,000,000*l.*, so that they have a paper currency in France of 12,000,000*l.* to 85,000,000*l.* of specie. I derive my information from the Count de Maguin, the Director-Governor of the Bank of France. No wonder, then, that France experienced, comparatively, scarcely any disturbance in her monetary system, even while her soil was occupied by foreign armies. My Honourable Friend has made some other remarks well worthy of notice. He has said, "Why not repay the Bank of England their capital, so as to enable them to give more accommodation, and allow a larger extent of discounts?" My Honourable Friend, in my opinion, has misunderstood the true nature of the trade of banking. It does not consist in lending money, but in the proper collection and re-distribution of money. The true principles of the trade of banking are, to enable the banker to lend other people's money, and not his own. I therefore think my Honourable Friend has misapprehended the nature of the real principles of banking. I trust that my Honourable Friend will excuse me for saying that his notions of this subject proceed on false principles altogether. Banking has really no natural connection with the issue of notes. My Right Honourable Friend the Chancellor of the Exchequer, however, is about to remove some very inconvenient restrictions to which the trade of banking in Ireland is, at present, subjected. In that he does well; and I shall certainly support the motion of my Right Honourable Friend, — because I think it would not be wise to allow a competition in the trade of money, without the restraining check of one firm, superintending, central head; and, also, because my Right Honourable Friend has wisely, in my opinion, made the privileges which are to be given to the Bank of Ireland determinable at the same period as the privileges of the Bank of England, and he has placed the control of the circumstances attending the renewal under the disposal and in the power of Parliament; at which period there will be an opportunity of placing the whole currency of the empire upon a safe and permanent foundation. I do hope, by that time, that the public mind will take a surer and more wise direction, and that we shall cease to hear about the idle dream of promoting public prosperity by the mere issue of a set of bits of paper. It is the capital of the people, alone, that can be relied on for that purpose, and not such fictitious and unsuitable means, — which, although, perhaps, they may seem to be a means of strength at first, must be a means of weakness in the end. I will say humbly, for myself, that I have no personal connection with any bank; I am no shareholder or partner in any concern of the kind; but I do not hesitate to say that all the agitation which I have observed on this question has originated with bankers and persons connected with them. No one appears for the public. It is the bankers, alone, who agitate the question, and fight the battle with the Bank. I think the interests of the public are distinct from both; and I have, accordingly, stated what I considered to be the course best calculated to support the permanent interests of the country.

Mr. O'CONNELL. — I feel sorry that so excellent a speech as that to which I have just listened should be thrown away upon a question which it does not at all affect — or, if it do affect it at all, it has a tendency directly opposed to the side of the case which it proposes to advocate. The arguments of the Honourable Member have been directed against the unlimited power of issuing paper money. The question raised by the Chancellor of the Exchequer is, whether a particular bank in Ireland shall possess the unlimited privilege of issuing their own notes? so that the excellent speech we have just heard from the Honourable Member for the Tower Hamlets is really against the cause which he supports. But it is not necessary that his vote should be directed by his speech. When I recollect to have heard the Honourable Member argue, on a former occasion, that the liabilities of joint stock banks should be limited to their subscribed capital, — so that the smaller the security you had to look to, the greater would be your safety, — I do not feel surprised at the course he has adopted in this discussion. The question we have to look to is, whether we shall give a privilege to one, and suffer all other banks to be excluded from trading within a limit of fifty miles? and whether we shall allow ten counties in Ireland to be thus

handed over to the exclusive discretion of one particular bank? This is a question which must be decided by the rules of common sense. I do not think the Chancellor of the Exchequer has treated Ireland well. Nor do I believe that he would have attempted to use her as he has done, if he had not been aware of the strength of English prejudices, and trusted to that source for support. The Right Honourable Gentleman, first of all, raised suspicions in the breasts of English Members, by observing that it would be requisite to find gold for Ireland, and that that gold must be supplied from England. I admit that such will be the case. But how, I will ask, is the continuance of the monopoly of the Bank of Ireland to remove the danger of a call upon England for a supply of gold? The Bank of Ireland, on the very last occasion, was obliged to apply to England for aid to the amount of 400,000*l.*, which was an additional drain on this country. The question is, whether we shall allow a monopoly to be created in Ireland? I say created, because it has in fact expired, and it will not come again into operation unless we think fit to renew it. The Right Honourable Gentleman says, to be sure, that it is not a monopoly, but merely a renewal of privileges; and, not satisfied with this clap-trap, we have been treated, besides, to a dissertation, by the Honourable Gentleman who spoke last, on the subject of free trade in banking. How does the question stand at present? Why, you have a free trade in England out of the limits of the Bank of England, and a free trade in banking in Ireland out of the limit of fifty miles. What, then, is the magic in the extent of fifty miles? Let us take the case of the town of Newry, and think of its absurdity. Why, the magic limit cuts off one third of that town; so that, if you cross the Bridge of Newry, you are in the region of free trade in banking, and if you do not, you are under the dominion of the monopoly of the Bank of Ireland! What can be more absurd than to make the Bridge of Newry the limit for the region of free trade in banking? The Right Honourable Gentleman, however, was aware that this most important question would be discussed before a thin house. I have observed, during the whole night, that sometimes there have not been much above twenty Members present. This suits the views of the Right Honourable Gentleman. Even now there are not more than thirty-two Members; nay, not so many,—for I observe several of those present are asleep, and others not attending,—so that the fourteen or fifteen who are listening to the debate, are all that can be found to take an interest in the subject, or to think the matter worthy of consideration ——

[Cheers and laughter.]

— and it is greatly the fault of the Right Honourable Gentleman the Chancellor of the Exchequer that this should have occurred, for bringing on a question of this importance, when nine tenths of the Irish Members have left town; and it is most unjust to postpone this discussion to so late a period of the Session; and to bring it forward, too, at a time when the value of money has greatly increased, so that, by the settlement of the question at the present time, the Bank of Ireland will be able to drive a much better bargain than they could otherwise have accomplished. I cannot understand what can have caused the extraordinary affection of the Right Honourable Gentleman for the Bank of Ireland; but the first fruits of his affection are presented to us in this measure for renewing its privileges to the object of his passions. It can hardly be in the fact that Government has been, for the last twenty years, paying the sum of 23,000*l.* a-year more upon the loan from that Bank, than it would have had to pay if the money had been borrowed from any other quarter. One portion has been obtained at 5 per cent., and another portion at 4 per cent. The Bank of Ireland has thus received 4*l.* 7*s.* 6*d.* per cent. for the money which could have been obtained at 3 or 3½ per cent.; and yet, at this late period of the Session, and when the greater part of the Irish Members have left town, this measure is brought forward to grant them a renewal of such unfair advantages.

I come, now, to the subject of Scotch banking. It is said by the Right Honourable Gentleman, that we cannot compare the banking in Scotland with Ireland. But he does not tell us why. No doubt, the Scotch banks have a large capital in the funds, — as much as 9,000,000*l.*, I believe, — the result of more than a century of continuous enterprise and public saving. Let us look, on the other hand, at the large paid-up capital in Ireland; and we shall find that the surplus saving of a century is not a larger sum, in proportion to the different circumstances of the two countries. But, supposing I am wrong in coming to this conclusion, — Scotland, before she enjoyed this 100 years of successful trading, was in the same situation that Ireland is in at present. Scotland

has become a prosperous, great agricultural country. Ireland, with a superior soil and climate, is one of the poorest agricultural countries. Scotland has a perfectly free trade in banking. There are misfortune and poverty in the one system of banking, — prosperity and riches in the other; and shall I be told that there are no grounds for arguing in favour of a free trade in banking in Ireland, from the benefits which have been derived from it in Scotland? In so far as the system has been tried in Ireland, the Chancellor of the Exchequer admits that it has answered well. He admits that the joint stock banks have acted most properly. What, then, is the use of relying on the magic line, which common sense repudiates? I come back to Scotland. Can the Chancellor of the Exchequer say that, when the Scotch banks were first established, they were in a situation to meet any run which might be made upon them? So far from that being the case, they made their notes payable on demand, or at six months afterwards, at the option of the banker. This is not the case now, — because, by their long career of success, they have established themselves in such credit that they are in no risk of any run, and are independent of such precautions. The case of Scotland is one neither to be trampled on nor sneered down. Of all countries in the world, Ireland is the country in which the establishment of joint stock banks is most necessary. The treasure of the country is not allowed to settle there. It is drawn away as fast as it is raised, by absenteeism; in fact, its wealth has been compared to a stream descending to a plain without accumulating its waters at any spot. The only way to stop this drain, and to fix the floating capital in the country, is, to establish joint stock banks. Ireland requires this fostering care and attention more than any other country on the face of the earth. Let not the Chancellor of the Exchequer shrink from the consequences of what I propose, by the subterfuge of calling it a renewal of privileges, and not a monopoly. Can the Right Honourable Gentleman suppose that so shrewd a people as the Irish are acknowledged to be will be imposed upon by such a distinction as this? It is unbecoming his situation and his talents. It is plain that he wants to have a monopoly. Let him plainly say so, and so expose the scheme in all its frightful hideousness. The Bank of Ireland has done nothing to entitle it to such advantages; its conduct does not furnish a shadow of a reason for continuing the charter. I am not arguing for any breach of public faith. The monopoly is at an end. Will you, then, re-create it? This is the question. There was a distinct pledge given that it should not be renewed.

The CHANCELLOR of the EXCHEQUER. — Hear, hear!

Mr. O'CONNELL. — The Chancellor of the Exchequer says "Hear!" to this statement. I wish to know, then, whether he considers himself absolved from the pledges of his predecessors? I say, that, if Government renew this monopoly, they will break two distinct pledges which have been given to the people of Ireland. The one was direct, given by former Ministers, — the other indirect, by the Right Honourable Gentleman, and by which he has held out inducements to lead them to believe that the monopoly would not be renewed by the present Ministers. With regard to the first of these pledges, — it appears, by the evidence of Mr. Callaghan, that a deputation came over to this country, consisting of persons engaged in forming the Hibernian Bank; they had an interview with Mr. Huskisson and the Earl of Ripon, — then Mr. Robinson, — to whom they stated their intention to establish a bank in the city of Dublin; and they wished to know the views of the Government with regard to the Bank of Ireland charter. According to Mr. Callaghan's evidence, Mr. Huskisson and Mr. Robinson stated their regret that they could not give any privilege beyond that of suing and being sued; that the Bank of Ireland charter interfered with our getting it; but they gave a distinct pledge that the Bank of Ireland charter would not be renewed, — a distinct promise to our deputation; and, had we not got that distinct promise, we should not have gone on when the difficulties were explained to us in the formation of our bank; we should have thought it useless: but we persevered, in the hope of better times, on the opening of the trade, even at the distant period at which we have now arrived. I asked Mr. Callaghan if the parties would have given up the plan of forming the Hibernian Bank, if they had not obtained this pledge? His answer was, "Most assuredly." Thus, these parties received as direct a pledge as words could give, that the Bank of Ireland charter would not be renewed; and the result was, that 250,000*l.* was subscribed for the establishment of that bank alone. So much as regards the pledges of former Ministers. Then, as regards the present: when I, along with a deputation, waited on the Right Honourable

Gentleman last year, he said he would not pledge himself; that he wished to have time to consider; that he would not be bound; — but he asked, hypothetically, if the limits of the monopoly of the Bank of Ireland were confined to ten or fifteen miles, whether we should be satisfied? The answer was, that we should. I am aware that I, and others, said we must first consult upon the subject. It is true that the Right Honourable Gentleman said that he must not be understood as pledging the Government to take any specific measure; but still we could not avoid considering the expression as an implied pledge. On their return to Ireland, the deputation accordingly said, openly, that the Chancellor of the Exchequer had agreed to put all the large towns out of the monopoly of the Bank charter. And yet, after all that has passed, — after the expectations — not to call them by a stronger name — which the Right Honourable Gentleman has encouraged, — he now, at this late period of the Session, — and in spite of those pledges to which I have alluded, — determines otherwise. The Right Honourable Gentleman has observed that no petitions have been presented upon the subject. The reason is, that, in consequence of what passed between the Right Honourable Gentleman and the deputation, no idea was entertained, until within the last fortnight, that those odious privileges were intended to be renewed. It is curious to observe that, in the year 1828, when the deputation went back to Dublin, a meeting took place, with the Lord Mayor in the chair. At that meeting, the resolutions were moved by the first-rate merchants in that city. An attempt was made, the other day, to get up another meeting; but the leading mercantile people had not courage to attend it. They were afraid to expose themselves to the anger of the Bank of Ireland, to whom they found their future interests were to be abandoned. I have received an abundance of letters requesting me to save the mercantile community of Dublin from the monopoly of the Bank of Ireland. They state, they are aware that I am a supporter of her Majesty's Government, but implore me, in this instance, to do my duty, without reference to any consequences. They have asked me to do my duty on this question; and, please God, I will do it to the best of my ability. The Right Honourable Gentleman has quoted, in support of his views, the evidence of Mr. Callaghan and Mr. Pim, whom he treats as witnesses adverse to the Bank, although Mr. Pim was produced before the committee by the Right Honourable Gentleman, and, in my opinion, understood banking affairs better than the Right Honourable Gentleman himself. Indeed, the Right Honourable Gentleman's questions on the committee bespoke a foregone conclusion, and an intention to make out a case by leading questions. He relied on Mr. Pim's evidence to show that the Bank of Ireland was necessary to the other Irish banks. I will read one part of Mr. Pim's evidence on this point. Mr. Pim was asked whether it was from England, mainly, that the Irish banks, in the stoppage of 1836, obtained the increased supplies which were necessary. Mr. Pim's answer was, — "I should say, from England, solely." Yes, from England, solely, the money must come, notwithstanding the resources of the Bank of Ireland. The Chancellor of the Exchequer boasts of the assistance given by the Bank of Ireland to the other banks during the panic of 1836. Who brought on that panic? The evidence is conclusive that it was created by the Bank of Ireland. It is demonstrated by the fact that the interest charged by the Bank of England was 4½ per cent., when the Bank of Ireland was charging only 3½ per cent.

The CHANCELLOR of the EXCHEQUER. — Hear, hear!

Mr. O'CONNELL. — So far from denying it, the Right Honourable Gentleman cheers me. But could there be a more certain method of having the gold drawn away out of the country? The merchants of Liverpool found that, by sending their bills to friends in Dublin, they would save 1 per cent., and they got their bills discounted at the Bank of Ireland instead of the Bank of England, and so drew away the gold from Ireland. This is not all. Mr. Callaghan gives another instance of the conduct of the Bank of Ireland. The Hibernian Bank was the correspondent of a Belfast joint stock bank, — a bank of great property and credit, and having a great number of branches in Ulster. The Hibernian Bank received and paid their notes and drafts, and did their whole business, as agents, in Dublin. It had a parcel of excellent bills, with not more than thirty days to run; and the Hibernian Bank sent in these Bills to the Bank of Ireland, in the usual course of trade, at a time when the Bank of Ireland was discounting at sixty-one days. The Bank did not throw them out at once, but kept them twenty-four hours at a time, when minutes counted for thousands for the circulation

of the bank these bills were intended to accommodate, and then they refused to discount them. Was not this course calculated to increase the panic? Did it not, in fact, create the stoppage of the Belfast Bank? and, if that Bank had not had abundance of assets, would it not have been ruined by it? Yet the mighty monopolising directors of the Bank of Ireland, who acted thus, are the only magicians who can regulate the monetary system of Ireland, and preserve it from panics and convulsion; and in whom we are called upon to confide the fortune of Ireland, and on this account to prevent the employment of British capital in that country! Many and many a time has the thought of the fatal union between the two countries come painfully upon me; but never more oppressively than this night, when I look around and see the thin House by which this question, so vital to Ireland, is to be decided!

The Chancellor of the Exchequer talks of the Bank of Ireland always meeting its engagements; and says that for a period of fifty-three years it has not experienced any inconvenience from any panic, or any other cause; and the Right Honourable Gentleman read a pamphlet full of sounding assertions of its stability, because, indeed, at such a time as in 1798, it withstood the horrors of that period, and met its engagements. How did it meet them? By paying promises with other promises, by handing out ten small promissory notes for one large one, — a mode of meeting demands, which, no doubt, it will be ready to continue to the end of the chapter. The Chancellor of the Exchequer might as well refer to the foolish vengeance taken by some of the rebels, when, to spite the Bank, they said they would light their pipes with Bank notes, and boasted that the property of the Bank would not be lessened by such injuries; — as well might this fact be adduced as an evidence of their stability. But Dublin, which has the advantage of this monopoly, is about the most decayed part of the country. Look to the conduct of the Bank of Ireland with respect to branches! The Chancellor of the Exchequer says, that the law, at one time, gave the Bank the right of an unlimited issue of notes in every part of Ireland; while the other company could not issue, if the company was composed of more than six members. If not more than six, — if only one, two, or three individuals, — they might issue notes; but the public could not obtain the security of more than six. When the Bank of Ireland failed, in 1820, — and from which period, to 1825, there was scarcely any other banking company in existence, — why did not the Bank of Ireland establish branches? What said the Chancellor of the Exchequer? He said, with some triumph, that the Provincial Bank was the first to form branches. The Bank of Ireland was awakened, when it found its monopoly endangered; and wherever the Provincial Bank was successful, there the Bank of Ireland planted a branch. It consulted its pecuniary interests (for which I do not condemn it), but hazarded nothing to meet the wants of the public. I do not object to a thirst for gain on the part of any mercantile or trading company. It is laudable, because it is a useful principle; but it is rather singular that the Bank of Ireland did not think of establishing branches until its avarice had been stimulated by the Provincial Bank. In point of fact, the Right Honourable Gentleman has not stated one single service that the Bank of Ireland has rendered to the country. I can convict him out of his own speech. I will compare the towns in which the joint stock principle is in action, with Dublin, which is subject to a banking monopoly, — compare them with respect to their contributions to the Post Office revenue at different periods, and observe at what a different rate they seem to improve. I find, from the Appendix to the Report of the Railway Commissioners, that Waterford, where banking is free, contributed 4726*l.* to the Post Office revenue in 1830, and 5500*l.* in 1836, — showing an increase of 17 per cent. in six years. In Clonmel, the increase was 19 per cent.; in Belfast, 24¾ per cent.; in Cork, 26 per cent.; and in Limerick, 27 per cent. — although the benefits of steam navigation, which it has been said was the cause, in each case, of the increase in the Post Office revenue, had not then reached that city. In these towns, banking is free. Look at the towns within the circle of the monopoly. In Newry, there has been a decrease of 3½ per cent. In Carlow, there has been an increase of only 3½ per cent; in Dundalk, an increase of 13 per cent.; and in Drogheda, the most flourishing town within the monopoly, 15 per cent. But the most remarkable case of all is that of Dublin, — the very focus of the monopoly; at which place there has been a decrease of 25 per cent. It may be said that this decrease is scattered over other towns; but has it been scattered to Carlow or Newry? Besides, Dublin has a monopoly of the law and pecuniary agencies. There has been as much litigation there as ever, — as many permanent resources of Post Office

revenue; in spite of which, the postage of Dublin diminished in six years from 95,000*l.* to 70,000*l.* Such is the benefit derived from the Bank monopoly to Dublin — crushing its resources, depressing its trade, and rendering it a melancholy spectacle of decay. Then, with regard to the assets of the Bank of Ireland, their circulation amounts to . £3,481,000
The deposits, public and private 2,898,000
The surplus funds . . 1,053,000

Making a total of . £7,432,000

Now, such things as accounts current — as cash credits — are never granted by the Bank of Ireland. They allow no interest for money; and every day that a merchant leaves his money at the Bank, that time is lost. They have also consols and Exchequer bills to the amount of 4,764,000*l.*, — very good property for private persons to hold; but it should be remembered that this is money let to them by the public, and payable on demand. To show the inconsistency of the accommodation afforded by the Bank of Ireland, of the 2,898,000*l.* referred to, they distribute but 1,450,000*l.* to twenty-two branches; while, in Dublin alone, they give out 1,448,000*l.* in discounts. Then, when their assistance is not required, they are liberal; and when it is most wanted, they are stingy. Again, I ask, is it to a company of this kind that the interests of the country are to be handed over? The profits of the establishment cannot be less than 107,000*l.* It is not necessary to enter into details, to show how these profits arise. It is enough to say that the body possess a monopoly. The Chancellor of the Exchequer seems to fear that, if the joint stock banks were allowed to issue their notes in Dublin, something would occur to induce them to become reckless, and to give their notes upon any bills that were offered, without obtaining adequate value for them; and that they would become less particular, if many banks were allowed to be instituted in Dublin. I do not see any reason for supposing that they would lose the usual restraint, or caution, which self-interest imposes. I see no reason why they should not be a check the one on the other, as is the case in London. Impose restrictions, if they be necessary; destroy joint stock banks, if they be vicious in principle; but adopt some uniform and intelligible principle, under which all parts of the country shall equally enjoy the benefits of banking accommodation proportionate to their commercial wants and progress. Let a Bill be brought in, containing fair restrictions, and I will support it. That which I call upon the Government to do is, to give us a measure intelligible in itself, and universal in its operation, — which may, therefore, have some shadow of justice attached to it. Let them do this, and they shall have my support. I beg to move that the Chairman do now report progress.

Mr. ALDERMAN THOMPSON. — The objections which appear to be taken to the measure proposed are — first, that the terms are not sufficiently favourable; and, secondly, that the power proposed to be conferred on the Bank of Ireland will be dangerous to the interests of those counties which have the privilege. Now, with regard to the first objection, the disadvantageous terms of this loan of 2,500,000*l.* at 3½ per cent. interest, — I would appeal to the House, whether it can be considered that a loan to that amount — for such a length of time — and at such a rate of interest — can be a disadvantageous bargain for the public? Then, Sir, with regard to the other objection, — the advantage and monopoly conferred on the Bank of Ireland, by the privilege of circulating its paper within a given distance of Dublin, — I believe no instance has been stated, in which this privilege has been exercised, by that Bank, in a manner detrimental to the public interests; and the Honourable and Learned Member for Dublin, although he has gone into the matter generally, fairly, and fully, has not produced any instance in which that privilege has been shown to be unfairly or improperly exercised. The Honourable and Learned Member for Dublin has made allusion to the amount of capital employed by the Bank of Ireland in discounting paper in Dublin, as compared with the amount applied to the same purpose in Drogheda; but the statement of the Honourable and Learned Member admits of an easy answer. It is well known that in Dublin — the metropolis of Ireland — a large portion of the capital of the country is collected; and there is, as a natural consequence, much competition in the discounting business; — there is, therefore, no difficulty in explaining this apparent discrepancy. The Honourable Member for Kilkenny has avowed his opinion to be favourable to a free trade in banking, — that is, a free circulation of paper; and he read an extract from the evidence taken before the committee of this House, which sat to inquire into the subject of joint stock banks, and banking in general; and he quoted an opinion of Mr. Cassels, as to the Northern and Central Bank. That Bank was established in a large and populous district, where

there were no issues of paper money whatever. Joint stock banks were, however, formed, — and this bank among the rest. And what was the result? The Honourable Gentleman — quoting Mr. Cassels — says that no mischief can arise from the unlimited circulation of paper, because, if the banks issue too many notes, they will return upon them, and they are punished by their own act; but the mischief is, that the paper may return upon them when the bank is not in a condition to pay, — and so it was with this Northern and Central Bank; — they went on making large issues of paper money, and advancing loans upon other than convertible securities, and almost without any security whatever: and such has been the main origin of their difficulty. It happened, one day, that the balance was against the bank; — they had no means of paying it; so they were compelled to make application to the Bank of England, who advanced between 300,000*l.* and 400,000*l.* — which advance they were, for several years, unable to pay; and this inability resulted from the false and improper principle on which they had made their issues. So much as to this corrective principle, which the Honourable Member conceives is to be found in a free competition in the circulation of notes. My Honourable Friend has referred to that which has been before alluded to, — the correspondence that passed between the Bank of England and Lord Liverpool; — but my Honourable Friend did not deal fairly with the House; for the observation of Lord Liverpool, which he quoted, had reference only to the privilege which the Bank of England possessed, by the Bank charter, of preventing any other bank from being established having more than six partners, and it had no connection whatever with the question of circulation. But, that privilege having since been abolished, joint stock banks have been established, not only in districts within fifty miles of London, but in London and Westminster. My Honourable Friend has dwelt, also, on the Scotch system of banking, as being perfectly sound and safe. On the contrary, I believe that there never was a more unsound principle than that upon which the Scotch banks are conducted. For what is it? If an individual, not worth a shilling, can get another, possessed of property, to join him in a bond, a Scotch bank will lend him capital to establish manufactures or carry on trade. There is nothing like convertible security; and I am convinced that a system more dangerous and vicious cannot exist. My Honourable Friend has stated, further, that the managers of joint stock banks are not interested in the rise or fall in the rate of exchanges, or in the amount of bullion that may be in the Bank; and that all that they have to do is, to take care that they have a sufficiency of Bank of England notes to meet their own paper. Now, I deny, altogether, the soundness of that principle. I contend that the great object of the periodical accounts of bullion and securities in the hands of the Bank of England was, that the issues of paper, and the other banking proceedings, should be regulated accordingly. And it is obvious, that when the exchanges are not favourable to this country, if any bank lend its money on inconvertible securities, it will be placed in a situation of great danger, and, perhaps, incur actual ruin. It is not my intention to go into any detail on this subject. I had no idea of taking part in this discussion; but, in reply to what has been said by the Honourable and Learned Member for Dublin, I thought it my duty to deliver my opinion upon the proposition of the Right Honourable the Chancellor of the Exchequer; and to state that it is one which, I believe, will conduce to the benefit of the country — one that will be advantageous to the people of Ireland, and fair and just towards the Bank of Ireland. I shall therefore give him my ready and cheerful support.

SIR WILLIAM SOMERVILLE. — I do not think I should be doing my duty to my constituents, if I did not state, candidly, to the House, what their feelings on this question are, and protest, in their name, against the town of Drogheda being included within the circle of the Bank monopoly. It has been argued, and most unfairly, that the prosperity of the town of Drogheda is a proof that the continuance of the Bank monopoly is favourable to the prosperity of the country. But, if that argument were good for anything, it would be equally good as applied to Dublin. It is true that the town of Drogheda has prospered, not in consequence of the Bank monopoly, but in spite of it. The prosperity of Drogheda is owing, wholly, to the introduction of steam navigation, by means of which the trade of that town has increased, of late years, to an extent, I believe, almost without parallel, in a like period. I believe, however, that, without a proper system of banking, that trade will very shortly dwindle down to its former state. It is my opinion, as it is that, also, of every party in the town I have the honour to represent, that the

accommodation which is, now, extended to its trading interest by the branch bank is not sufficient to enable them to carry on their trade. Many factories have sprung up in the neighbourhood, and a large trade is carried on between that town and Liverpool, — several steamboats pass continually from one port to the other; and there are, I believe, no less than 7000 persons engaged in the linen trade alone; while the whole amount of discount trade in Drogheda is no more than 60,000*l.* annually, — not more than one sixth of what is necessary to meet the demands of the town. The consequence is, that the merchants and traders there are obliged, at very great inconvenience, to carry on their discount trade with Liverpool, Belfast, and other places. The inhabitants of Drogheda are not anxious for any unsafe or unreasonable scheme of banking; all they require is, to be placed in such a position as may enable them to compete with other towns which are not so unfavourably circumstanced. They are, now, entirely at the mercy of the Bank of Ireland. The Bank decides that a certain amount of money, only, shall be laid out in discounting, and they apportion that money to the various towns. As I have said, 60,000*l.* are allowed for Drogheda; and, however great may be our necessity, we cannot have more. Now, what I ask on the part of the inhabitants of Drogheda is, that if the Bank of Ireland refuse to accommodate them, they may have the means of obtaining the required accommodation from other sources, and thus be enabled to compete with those towns that have the advantage of joint stock banks. We are told that, under the Bank Charter Act, joint stock banks are not allowed to be established within sixty miles of London. But, then, there is a great difference between London and Dublin, as to the relative positions in which they stand with reference to the other parts of the country. London is really, as well as nominally, the capital of every part of England, and the common centre from and to which all the trade and commerce of the country radiate: but Dublin is very differently situated. Liverpool is the commercial capital of one part of Ireland, — and not Dublin. It is with Liverpool we trade, and to Liverpool we look as our home market, and as the focus of our capital, — and not Dublin. Before the trade of Drogheda was so increased, the whole banking trade of that town was carried on by one individual. The Bank of Ireland did not interfere; and how the joint stock banks could interfere with the privileges of the Bank of Ireland more than did this individual, I am at a loss to conjecture. Believing that the present system is most detrimental to the interests of the people of Drogheda, I feel bound to resist the motion of the Right Honourable the Chancellor of the Exchequer; and I will only add, that, if anything could make the townspeople in question regret the prosperity of their town, it would be the knowledge that it had been used as an argument to uphold monopoly.

Mr. HUTTON. — I beg to say that I concur, entirely, in the complaint which has been made, that a motion so important to the interests of Ireland should have been delayed to this period of the Session. I disapprove, as much as my Honourable and Learned Colleague (Mr. O'Connell), of the present system of banking, as it is practised by the Bank of Ireland. I think that the people of Ireland have great reason to complain of the want of liberality which has been exhibited by that establishment. The Bank of Ireland exercises two powers which are altogether inconsistent, — namely, that of being a bank of issue, and that of being a bank of management for their own purposes. If the proposition were, to deprive the Bank of Ireland of the power of issuing notes, and thus to enable it to return to a sounder basis of action, I would gladly concur in it; but to give an unlimited power of issuing notes to every bank within a short distance of Dublin, would be to create so great a power, that I fear it would lead to abuse. I think it would be a most unsafe proceeding, if, with a view to regulate the system hereafter, we should go on creating a new set of vested interests, which would, in their turn, be brought forward, and make it more difficult to deal properly with the general question at some future period. I look forward with anxiety to the time when the whole system of banking, both in England and Ireland, will be placed on a just and fair footing. I therefore cannot vote with my Honourable and Learned Colleague. I think, however, that some relaxation might be allowed to Drogheda, and other towns similarly circumstanced, without involving the great principle of security to the public.

Mr. WARBURTON. — I shall oppose the motion of the Honourable and Learned Member for Dublin; not upon the ground which my Honourable Friend the Member for Kilkenny has taken, for I entirely disapprove of his argument, though I concur with him in his conclusion. And I differ from the conclusion of my Ho-

nourable Friend the Member for the Tower Hamlets, while I concur in his arguments. I do not agree with my Honourable Friend the Member for Kilkenny respecting free trade in banking. I dispute what my Honourable Friend has stated with respect to its being impossible that there can be an over-issue, provided there be a free trade in banking. The Honourable and Learned Member for Dublin has, very properly, stated that there can be no over-issue, provided people, when they are called upon to meet their notes, actually pay in specie. Why, that is just the whole question at issue. If you allow a free trade in banking, will there be any guarantee for paying in specie? The more freedom we give to banks of issue, the more danger is there of departing from the principle of a metallic currency. But, independently of the question of whether the banks would pay in specie, there are moral considerations of importance, which my Honourable Friend has overlooked. The greater facility we give to our issues, by allowing free trade in banking, the greater is the danger of sudden restrictions in the currency: and I am sure my Honourable Friend has had sufficient experience to know that, whenever a restriction takes place in the circulation, there is a tendency in this country to interfere with the regular course of trade; and there is generally a large party who are in favour of the Government stepping in, and preventing the Bank from meeting its engagements. Therefore, do not let it be said, that, by free trade in banking, we insure payment in specie. The more freedom he gives in banking, — I mean as respects the issues, — the more does my Honourable Friend endanger his own principle. I, therefore, for one, am not in favour of a free trade in banking. And it is because I am not so, that I oppose the conclusion of the Right Honourable Gentleman the Chancellor of the Exchequer. For what does he say? He first lays down the most proper and correct principles of banking; and then he says, "Let us, now, renew the charter of the Bank of Ireland," — which, by his own admission, is founded on improper and false principles. The Right Honourable Gentleman admits that, in renewing this charter, he is breaking through those sound principles on which, alone, banking ought to be conducted. Why, then, renew this charter at all? Why not, at least, separate those two functions the combination of which Mr. Jones Loyd and others, who have most carefully studied the theory of banking, agree in condemning? We have, now, an opportunity of severing the two inconsistent functions of a bank of issue, and those of a bank conducting the ordinary routine of business. Why, then, renew this charter upon what are admitted to be false principles? The Honourable Member for the Tower Hamlets ought to vote with me on this question, because he has laid down the true principles on which a bank should be conducted, although he has arrived at a false conclusion from them. It was an object with the Committee on the Bank of England, that weekly Returns should be made of the assets of the Bank; and that thus, by knowing the amount of specie in the country, the merchants and bankers might be enabled to govern their proceedings accordingly. But, as my Honourable Friend the Member for Kilkenny has stated, the Returns, as they are now made, give to the merchants and bankers no information whatever. Some few persons, perhaps, who live in London, and devote their whole time to the subject, and who are aware of the large payments made by the Government, and the payments out of the Bank, may be enabled to form a pretty correct guess; but this advantage does not extend to the merchants and bankers in the country: therefore, I say that the Returns, as they are now made, are literally of no use; they are a delusion on the public. But here an opportunity offers itself of putting to trial those very principles on which you contend that banking ought to be conducted: here is an opportunity of trying the experiment on a small scale. During the next four years, you may ascertain the result of it; and when the Bank charter expires, you will then be prepared to establish a safe and proper system of banking in the country. With an opportunity before him so favourable for a proceeding so important, I really cannot understand how the Right Honourable Gentleman the Chancellor of the Exchequer can have arrived at the conclusion he has announced. At all events, I think the Honourable and Learned Member for Dublin is perfectly correct in objecting to a measure of this importance being proceeded with at so late a period of the Session; and, for that reason, I shall support his amendment.

Mr. O'CONNELL. — My motion, Sir, is, that you leave the chair — not that you report progress, and ask leave to sit again.

Mr. W. S. O'BRIEN. — I quite agree that the Government have laid themselves open to just censure for delaying a motion so important as this is to the interests of

Ireland, to a period of the Session when not one fifth of the representatives of that country can be present. And I can assure the Government, that the course they have taken on this subject has excited great surprise and dissatisfaction throughout Ireland. Nothing could be more distinct or conclusive than the intimation which was given by Mr. Callaghan before the committee, that, had it not been for the strict limitations comprised in the terms of the Bank of Ireland charter, the Hibernian Bank would never have been established. I contend that the House is bound to extend to Ireland the advantages of a free and proper system of banking; and I say that nothing has been shown, in the course of this debate, which ought to induce us to deviate from that sound and just principle in legislating upon this matter. Nothing can show, more clearly, the impolicy of the Legislature's interfering with the principles of free trade in banking, than the consequences that have followed the establishment of the Bank monopoly, both in this country and in Ireland. The result of such interference is, to encourage over-speculations; and —when that crisis which must always attend such proceedings arrives — to throw greater difficulties in the way of those who have to meet it. In the course of only ten years, no less than 168 banks broke in this country, besides a great number in Ireland; while in Scotland, where the trade in banking is free, there was but one failure during that period,—and even in that case a large dividend was paid. The success of the Agricultural Bank, also, shows the advantage of a free trade in banking; for, although that bank has speculated more wildly than, perhaps, any other, yet they have been enabled to meet all demands upon them. I am in favour of such a system of banking as may, to the greatest practicable extent, guard the country from inconvenience; and that, I believe, is to be found in the system of joint stock banks. I think, however, that, in any system, the publication of accounts forms a most important element; for nothing can be more effectual in giving confidence to the people; seeing that, when publication is insisted upon, it is impossible that an unsound bank can stand. The question we have to deal with is simply this,—whether it is just to create, in favour of one company, advantages which we are not prepared to give to others? I say that justice and reason alike repudiate such a principle. I think we ought not to be called upon to divide on the question, "That the Chairman do leave the chair." I am anxious to record my vote on the principle of the measure; and therefore I hope the Honourable Member for Kilkenny will press his amendment to a division.

Mr. REDINGTON.— The proposition of the Right Honourable Gentleman the Chancellor of the Exchequer is one in which, I trust, the House will not be disposed to acquiesce. No case whatever has been made out for continuing the existing monopoly, by renewing the charter of the Bank of Ireland; and I would beg the committee to recollect, that the circle within which this monopoly extends, — namely, fifty miles round Dublin, — comprises one third, if not a greater proportion, of the whole country; and, taking the relative size of the two countries, the monopoly of the Bank of Ireland is even more extensive, proportionably, than that of the Bank of England. My objection to the continuance of this monopoly is so strong, that, if my Honourable and Learned Friend the Member for Dublin divide upon his motion, I shall certainly vote with him.

The CHANCELLOR of the EXCHEQUER.—After the lengthened indulgence with which the House honoured me in an earlier part of the evening, I shall occupy but a very few minutes of the time of the committee, in replying to what has fallen from Honourable Gentlemen in the course of this debate. A more important vote this House was never called upon to give, than that which it is now to consider. This is, undoubtedly, a subject not to be dealt with, lightly: it is of the gravest character, as involving large and extensive principles, and as affecting the interests of the whole country to which it relates. But, when I say this, I should also remind the House that the present proposition is for a resolution on which to found a Bill, that, when brought in, the House will have full opportunity of discussing, in detail, at all its various stages; and it is my desire that a sufficient time should elapse between the first and the second reading, in order to allow the Bill to go across the water, so that the opinions of those who are most immediately interested in the question may be ascertained. On the other hand, if the committee decide against the resolution, they deprive themselves of the opportunity of considering the details of this very important subject. I cannot help remarking, with some surprise, that the proposition for not considering this question comes from those Honourable Gentlemen who object to the Bank of Ireland altogether, —not only as it now exists, but even with the modifications which I propose to introduce. That proposition is, "That the

Chairman do leave the chair,"—and thus, that we should leave the whole question of the Bank of Ireland in its present state, and preclude all further consideration. I could not help observing, as a fact somewhat remarkable, that the Honourable Member for Bridport, who disapproves of the principle of free trade in banking, should yet support the Honourable Member for Kilkenny in his motion,—the object of which is, to destroy the monopoly of the Bank of Ireland, and establish a free trade in banking all over the country. Why, there cannot be two opinions more contrasted than those of the Honourable Members for Kilkenny and Bridport. The Honourable Member for Kilkenny is for a free trade in banking; and his views go to this extent, — that every man shall have the right to make use of his capital, in banking purposes, as he may think proper, and issue notes to any extent, without any control beyond that of public opinion. Now, I would ask, how are such views as these to be reconciled with the opinions of the Honourable Member for Bridport? For my part, I, having had some personal experience in banking concerns, give it as my decided opinion, that a great system of branch banks in Ireland could not be carried on with safety, either to the shareholders or to the public, if they had the power of issuing their own paper in Dublin. If such a scheme were to be attempted by the joint stock banks, I should think that the sooner the shareholders withdrew their capital from them the better, both for themselves and the public. I say, what is safe to the banks, is safe to the community; but if you give them this patent gift of being coiners of money, as it were, in the metropolitan districts, you throw the whole monetary system into confusion. I would, here, remark upon the statement of the Honourable Member behind me. It has been said that I gave, not a direct pledge, but an implied pledge, upon this subject; and I am asked why I am not prepared, now, to redeem it? But what really happened? When the parties waited upon me, and urged me to give a pledge, I told them, distinctly, I would not give any; but I asked them if they were disposed to agree to a limitation of the privileges of the Bank of Ireland, — reducing the circle of their exclusive right to something less than fifty miles? and this inquiry I put, coupled with the statement that I would give no pledge on the subject. How, then, can I be charged with having violated a pledge, which I never gave? But there is another circumstance which goes, also, to the question of whether or not the Government have maintained good faith in this matter? The Honourable and Learned Gentleman the Member for Dublin, as well as another Honourable Friend of mine, have said that a distinct pledge was given — if not by the present, yet by a former Government — in the year 1824; and the Honourable and Learned Gentleman adds, that a pledge given by one Government ought to be considered as binding upon its successors. I will not dispute that doctrine; and I confess that a pledge given by my Lord Ripon and Mr. Huskisson, upon such a subject, would have considerable weight with me. But how stands the fact? Mr. Callaghan states that "Lord Ripon and Mr. Huskisson regretted that they could not give us any privilege beyond that of suing and being sued; and they stated that the Bank charter would not be renewed." Well; here we have the evidence of a party who was present on the occasion alluded to; — and this is the evidence on which our good faith is challenged! I communicated with my Lord Ripon on the subject; and what was the result? He said, —

> I have no very distinct recollection of what passed on the occasion referred to; but there cannot be a doubt, I think, that I did not, because I could not, have given any pledge as to what was not to take place till fourteen years afterwards. I have no doubt that I expressed my regret that I could do no more for the joint stock banks of Ireland, than give the power of suing and being sued; and I might have added, that I had little doubt but that we should be ready to give them those advantages which had been given to the English banks in 1826. Further than that, I cannot pretend to go; all else must rest on general principles.

Here, then, is Lord Ripon's denial, that it was possible for him, fourteen years before an event, to have announced what would be done at the end of that period. Now, I have proposed to concede those privileges which Lord Ripon offered to the joint stock banks; and not only this, — but I am ready to go further, and give them relief in other important particulars, which they consider to be matters of grievance. In conclusion, I must beg Honourable Gentlemen to bear in mind that the arrangement which I now propose for the Bank of Ireland is only for a period of four years; and that, at the expiration of that time, they will be able again to come to the consideration of the question, and effect such modifications in the system as the state of the currency in the empire, generally, may seem to require.

Mr. O'CONNELL. — Mr. Callaghan speaks distinctly on his recollection; and Lord Ripon does not, in the letter which the Right Honourable Gentleman has read, venture to deny his statement. His

Lordship merely reasons upon what it is likely he would have said, — but he does not assert. He states that he has no distinct recollection of what took place, while Mr. Callaghan asserts facts on his own knowledge.

Mr. HUME. — I never advocated a free trade in banking, but merely the principle that the exclusive privileges of the Bank of Ireland should cease.

The committee then divided: — Ayes 35; Noes 115; — Majority 80.

AYES.

Attwood, T.
Barry, G. S.
Bridgeman, H.
Bryan, G.
Cayley, E. S.
Clements, Lord Visct.
Duncombe, T.
Easthope, J.
Ellis, J.
Evans, G.
Fielden, J.
Finch, F.
Hindley, C.
Howard, Sir R.
Hume, J.
Jervis, S.
Langdale, Hon. C.
Muskett, G. A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, John
O'Connell, M. J.
Redington, T. N.
Salwey, Colonel
Scholefield, J.
Sheil, R. L.
Stock, Dr.
Vigors, N. A.
Villiers, Hon. C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.
Wyse, T.
Yates, J. A.

Tellers.
O'Connell, D.
Somerville, Sir W. M.

NOES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Anson, Hon. Colonel
Archdall, M.
Ashley, Lord
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Berkeley, Hon. H.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Bruges, W. H. L.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, Sir J.
Chichester, J. P. B.
Cochrane, Sir T. J.
Cole, Lord Viscount
Cowper, Hon. W. F.
Craig, W. G.
Crompton, Sir S.
Dalmeny, Lord
Darby, G.
De Horsey, S. H.
Dick, Q.
Donkin, Sir R. S.
Douglas, Sir C. E.
Egerton, W. T.
Elliot, Hon. J. E.
Farnham, E. B.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fremantle, Sir T.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Hall, Sir B.
Hill, Lord A. M. C.
Hobhouse, Rt. Hon. Sir J.
Hodges, T. L.
Holmes, W.
Hope, Hon. C.
Hoskins, K.
Howard, F. J.
Howick, Lord Viscount
Hutton, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Kemble, H.
Kinnaird, Hon. A. F.
Labouchere, Rt. Hn. H.
Lowther, J. H.
Lushington, Rt. Hn. S.
Lygon, Hon. General
Maule, Hon. Fox
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
O'Ferrall, R. M.
Pakington, J. S.
Palmer, C. F.
Palmerston, Lord Vt.
Parker, J.
Parnell, Rt. Hn. Sir H.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Perceval, Colonel
Phillips, M.
Pigot, D. R.
Pigot, R.
Plumptre, J. P.
Price, Sir R.
Reid, Sir J. R.
Rice, Rt. Hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, Rt. Hon. Sir G.
Round, J.
Russell, Lord J.
Rutherfurd, Rt. Hn. A.
Seymour, Lord
Sheppard, T.
Smith, J. A.
Smith, R. V.
Somerset, Lord G.
Stanley, Hon. E. J.
Stanley, Hon. W. O.
Stewart, James
Strutt, E.
Surrey, Earl of
Teignmouth, Lord
Thomson, Rt. Hon. C. P.
Thompson, Alderman
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Wall, C. B.
Wood, C.
Wood, G. W.
Worsley, Lord

Tellers.
Clay, W.
Steuart, R.

Original question and amendment again stated; motion made, and question put, "That the words proposed to be left out stand part of the question."

The committee divided: — Ayes 112; Noes 36; — Majority against the amendment 76.

AYES.

Acland, Sir T. D.
Acland, T. D.
Adam, Admiral
Ainsworth, P.
Alsager, Captain
Anson, Hon. Colonel
Archdall, M.
Ashley, Lord
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Berkeley, Hon. H.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H. L.
Buller, C.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell, Sir J.
Chichester, J. P. B.
Cochrane, Sir T. J.
Cole, Lord Viscount
Cowper, Hon. W. F.
Craig, W. G.
Crompton, Sir S.
Dalmeny, Lord
Darby, G.
De Horsey, S. H.
Dick, Q.
Donkin, Sir R. S.
Douglas, Sir C. E.
Egerton, W. T.
Elliot, Hon. J. E.
Farnham, E. B.
Ferguson, Sir R. A.
Fitzroy, Lord C.
Fremantle, Sir T.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grey, Rt. Hon. Sir G.
Grimsditch, T.
Hill, Lord A. M. C.
Hobhouse, Right Hon. Sir J.
Hodges, T. L.
Holmes, W.
Hope, Hon. C.
Hoskins, K.
Howard, F. J.
Howick, Lord Visct.
Hutton, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Kemble, H.
Kinnaird, Hon. A. F.
Labouchere, Rt. Hn. H.
Lowther, J. H.
Lushington, Rt. Hon. S.
Maule, Hon. Fox
Moreton, Hon. A. H.
Morpeth, Lord Visct.
Morris, D.
O'Ferrall, R. M.

Pakington, J. S.	Sheppard, T.
Palmer, C. F.	Smith, J. A.
Palmerston, Lord Vt.	Smith, R. V.
Parker, J.	Somerset, Lord G.
Parnell, Rt. Hn. Sir H.	Stanley, Hon. E. J.
Pattison, J.	Stanley, Hon. W. O.
Pechell, Captain	Stewart, James
Pendarves, E. W. W.	Strutt, E.
Perceval, Colonel	Surrey, Earl of
Pigot, D. R.	Teignmouth, Lord
Pigot, R.	Thomson, Rt. Hn. C. P.
Plumptre, J. P.	Thompson, Alderman
Price, Sir R.	Troubridge, Sir E. T.
Reid, Sir J. R.	Verney, Sir H.
Rice, Rt. Hon. T. S.	Warburton, H.
Rich, H.	Williams, W.
Richards, R.	Wood, C.
Rolfe, Sir R. M.	Wood, G. W.
Rose, Rt. Hon. Sir G.	Worsley, Lord
Round, J.	
Russell, Lord J.	*Tellers.*
Rutherfurd, Rt. Hn. A.	Clay, W.
Seale, Sir J. H.	Steuart, R.
Seymour, Lord	

NOES.

Attwood, T.	O'Connell, John
Barry, G. S.	O'Connell, M. J.
Bridgeman, H.	Philips, M.
Brotherton, J.	Redington, T. N.
Bryan, G.	Salwey, Colonel
Cayley, E. S.	Scholefield, J.
Clements, Lord Visct.	Sheil, R. L.
Duncombe, T.	Somerville, Sir W. M.
Easthope, J.	Stock, Dr.
Ellis, J.	Turner, W.
Evans, G.	Vigors, N. A.
Fielden, J.	Villiers, Hon. C. P.
Finch, F.	Wakley, T.
Hall, Sir B.	Wallace, R.
Hindley, C.	Wyse, T.
Howard, Sir R.	Yates, J. A.
Jervis, S.	
Langdale, Hon. C.	*Tellers.*
Muskett, G. A.	Hume, J.
O'Connell, D.	O'Brien, W. S.

Original question again put from the chair.

Mr. O'CONNELL. — This is a question which ought to be properly and fairly discussed, and ought not to be decided by such a House as we have had during the greater part of this evening. During the principal part of this discussion, there have not been more than thirty or thirty-five Members present. I shall divide the House at every stage of the resolutions. And when the Right Honourable Gentleman says that a full opportunity for a discussion of the Bill will be given, he seems to forget that this is the 25th of July; and, as the Bill founded on these resolutions will have to be sent to Ireland for approval, the Right Honourable Gentleman cannot hope to have it read a second time before the 20th of August, — a period at which there is no chance of obtaining a House. I will now move, Sir, that you do report progress, and ask leave to sit again.

The CHANCELLOR of the EXCHEQUER. — I would appeal to the House, whether, considering that we shall have the means of discussing the measure in all its future stages, this course of opposition is either fair or just? I believe it to be for the best interests of the country that the Bill I propose to bring in should pass during the present Session; and the Honourable and Learned Member must be aware that, if this Bill should be rejected, it will be absolutely necessary to bring in, and pass, some other measure upon the subject, before the prorogation of Parliament. I feel that it would be unjust, and inconsistent with my sense of duty, if I were to decline, now, to go on with this Bill, merely because I may happen to meet with a strong opposition.

Mr. J. ELLIS. — If this measure be so important, why has it been delayed until a period of the Session at which scarcely forty Members can be got together to discuss it? I know of no necessity for legislating upon the subject, until the next Session; and, considering that, if the Bill to be brought in is to be sent to Ireland, it will be quite impossible that it can be considered and returned in time for us to discuss it as its importance deserves, I therefore hope, Sir, that you will report progress.

Mr. HUME. — I believe no communication has been made to the parties chiefly interested, that such a Bill as this would be brought forward.

The CHANCELLOR of the EXCHEQUER. — I have communicated with several deputations, and have stated to them my intention. And it has been for some time perfectly notorious, in Ireland, that I meant to propose the prolongation of the Bank of Ireland charter for four years.

Mr. O'CONNELL. — I must positively contradict the statement that the people of Ireland had any longer notice of this measure than three weeks. I, myself, communicated in the public papers the intention of the Right Honourable Gentleman to bring in a perfectly different plan, — and that I did, on the Right Honourable Gentleman's own authority. A more mischievous measure than the present has not been introduced in this or any other Session. The Right Honourable Gentleman has inveighed, in

a long speech, against free trade in banking; and the way in which he is about to give effect to his principle is, to give a free trade to the Bank of Ireland. When the House has done nothing favourable to Ireland during the whole Session, that the Irish Members should go home with an account of this confirmed monopoly of the Bank of Ireland is really too bad!

SIR W. SOMERVILLE.—I must corroborate what has just been stated by the Honourable and Learned Gentleman. I contend that the people of Ireland ought to have a full opportunity of giving their opinion upon a subject which so materially affects their interests.

Mr. SHEIL.—I have received communications from the county I have the honour to represent, which lead me to believe that the whole body of my constituents are adverse to the continuance of this charter.

Mr. W. S. O'BRIEN.—I can see no inconvenience which can possibly result from allowing this question to stand over for four or five months longer. It is not just to Ireland, to bring forward such a measure fourteen days before the close of the Session.

Mr. REDINGTON.—It is not more than six days since a meeting for the discussion of this measure took place in Ireland.

The committee divided:—Ayes 33; Noes 102;—Majority 69.

AYES.

Barry, G. S.	Redington, T. N.
Bridgeman, H.	Salwey, Colonel
Brotherton, J.	Scholefield, J.
Bryan, G.	Sheil, R. L.
Clements, Lord Visct.	Somerville, Sir W. M.
Duncombe, T.	Stock, Dr.
Easthope, J.	Turner, W.
Ellis, W.	Vigors, N. A.
Evans, G.	Wakley, T.
Fielden, J.	Wallace, R.
Finch, F.	Warburton, H.
Hindley, C.	Williams, W.
Howard, Sir R.	Wyse, T.
Hume, J.	Yates, J. A.
Langdale, Hon. C.	
Muskett, G. A.	*Tellers.*
O'Brien, W. S.	Ellis, J.
O'Connell, John	O'Connell, D.
O'Connell, M. J.	

NOES.

Acland, Sir T. D.	Ainsworth, P.
Acland, T. D.	Alsager, Captain
Adam, Admiral	Anson, Hon. Colonel
Ashley, Lord	Labouchere, Rt. Hon. H.
Attwood, T.	Lowther, J. H.
Bannerman, A.	Maule, Hon. Fox
Barnard, E. G.	Moreton, Hon. A. H.
Berkeley, Hon. H.	Morpeth, Lord Visct.
Blair, J.	Morris, D.
Blake, W. J.	O'Ferrall, R. M.
Briscoe, J. I.	Pakington, J. S.
Broadley, H.	Palmer, C. F.
Brocklehurst, J.	Palmerston, Lord Vt.
Brodie, W. B.	Pattison, J.
Brownrigg, S.	Pechell, Captain
Bruges, W. H. L.	Pendarves, E. W. W.
Buller, Sir J. Y.	Perceval, Colonel
Campbell, Sir J.	Philips, M.
Cavendish, Hon. C.	Pigot, D. R.
Chichester, J. P. B.	Plumptre, J. P.
Clay, W.	Price, Sir R.
Cochrane, Sir T. J.	Rice, Rt. Hon. T. S.
Cole, Lord Viscount	Rich, H.
Cowper, Hon. W. F.	Richards, R.
Craig, W. G.	Rolfe, Sir R. M.
Crompton, Sir S.	Rose, Rt. Hon. Sir G.
Dalmeny, Lord	Round, J.
Darby, G.	Russell, Lord J.
De Horsey, S. H.	Rutherfurd, Rt. Hon. A.
Dick, Q.	Sanford, E. A.
Donkin, Sir R. S.	Seale, Sir J. H.
Douglas, Sir C. E.	Seymour, Lord
Egerton, W. T.	Sheppard, T.
Elliot, Hon. J. E.	Smith, J. A.
Ferguson, Sir R. A.	Smith, R. V.
Fitzroy, Lord C.	Stanley, Hon. E. J.
Fremantle, Sir T.	Stanley, Hon. W. O.
Gordon, R.	Stewart, James
Graham, Rt. Hn. Sir J.	Strutt, E.
Grey, Rt. Hon. Sir G.	Surrey, Earl of
Grimsditch, T.	Teignmouth, Lord
Hill, Lord A. M. C.	Thomson, Rt. Hon. C. P.
Hobhouse, Rt. Hon. Sir J.	Thompson, Alderman
Hodges, T. L.	Troubridge, Sir E. T.
Holmes, W.	Wood, C
Hope, Hon. C.	Wood, G. W.
Hoskins, K.	Worsley, Lord
Howard, F. J.	
Howick, Lord Visct.	*Tellers.*
Hutton, R.	Parker, J.
Inglis, Sir R. H.	Steuart, R.
Irton, S.	
Kemble, H.	
Kinnaird, Hon. A. F.	

On the original question being again put,—

Mr. ELLIS said:—I move, Sir, that you do now leave the chair.

The CHANCELLOR of the EXCHEQUER.—The effect of this motion, if carried, will be, to continue, unchanged, all the existing arrangements with regard to the Bank of Ireland; and those who complain of the monopoly of the Bank of Ireland, instead of having an opportunity of considering and modifying that monopoly, will, by voting for the motion of the Honourable Member, decide that no change shall take place, and they will, thereby, continue a charge to the public of 23,000*l.* a-year,—from which we are anxious to re-

lieve them. There is, also, a further effect on the finances of the country to be derived from this measure. I have been called upon to reduce the amount of the unfunded debt. I propose to do so, by this measure, to the extent of 900,000*l.*; but all these advantages will be lost, if the Bill be not permitted to proceed. Besides which, the joint stock banking companies will be debarred from those relaxations on the system which is to govern the conduct of their affairs, that it is now proposed to extend to them. I would appeal, then, to Honourable Gentlemen, whether, under these circumstances, they are prepared to continue this course of opposition?

Mr. O'CONNELL.—I hope that every important measure which may be brought forward, as this is, at the close of the Session, and without notice until three weeks ago, will be resisted in like manner. The Right Honourable Gentleman has said that the joint stock banks will be inconvenienced, should this opposition succeed. I am glad it is so. I do not wish to be their advocate. You say you will save 23,000*l.* a-year by this measure; but how is it that this possible saving was not discovered long since? You have been paying it for ten years, when, by your own showng, you had no occasion to do so.

The CHANCELLOR of the EXCHEQUER.—No!

Mr. O'CONNELL.—Well; you have paid it for two years?

The CHANCELLOR of the EXCHEQUER.—No!

Mr. O'CONNELL.—At least, then, you have paid over 23,000*l.* which you should not have paid. I shall certainly feel it my duty to oppose the Bill in every way I can.

The committee then divided on the original question:—Ayes 32; Noes 93;—Majority 61.

AYES.

Aglionby, H. A.	Finch, F.
Barry, G. S.	Hindley, C.
Bridgeman, H.	Howard, Sir R.
Bryan, G.	Hume, J.
Clements, Lord Visct.	Muskett, G. A.
Duncombe, T.	O'Brien, W. S.
Easthope, J.	O'Connell, John
Ellis, W.	O'Connell, M. J.
Evans, G.	Redington, T. N.
Fielden, J.	Salwey, Colonel
Scholefield, J.	Warburton, H.
Sheil, R. L.	Williams, W.
Somerville, Sir W. M.	Wyse, T.
Stock, Dr.	Yates, J. A.
Turner, W.	
Vigors, N. A.	*Tellers.*
Wakley, T.	Ellis, J.
Wallace, R.	O'Connell, D.

NOES.

Acland, Sir T. D.	Kemble, H.
Adam, Admiral	Kinnaird, Hon. A. F.
Ainsworth, P.	Labouchere, Rt. Hon. H.
Alsager, Captain	Lowther, J. H.
Anson, Hon. Colonel	Maule, Hon. Fox
Ashley, Lord	Moreton, Hon. A. H.
Baring, F. T.	Morpeth, Lord Visct.
Barnard, E. G.	Morris, D.
Blair, J.	O'Ferrall, R. M.
Blake, W. J.	Palmer, C. F.
Briscoe, J. I.	Palmerston, Lord Vt.
Broadley, H.	Parker, J.
Brocklehurst, J.	Pattison, J.
Brodie, W. B.	Pechell, Captain
Brotherton, J.	Pendarves, E. W. W.
Brownrigg, S.	Perceval, Colonel
Bruges, W. H. L.	Philips, M.
Buller, Sir J. Y.	Pigot, D. R.
Campbell, Sir J.	Plumptre, J. P.
Cavendish, Hon. C.	Price, Sir R.
Chichester, J. P. B.	Rice, Rt. Hon. T. S.
Clay, W.	Richards, R.
Cochrane, Sir T. J.	Rolfe, Sir R. M.
Cole, Lord Viscount	Rose, Rt. Hon. Sir G.
Craig, W. G.	Round, J.
Crompton, Sir S.	Russell, Lord J.
Dalmeny, Lord	Rutherfurd, Rt. Hn. A.
Darby, G.	Sanford, E. A.
De Horsey, S. H.	Seale, Sir J. H.
Dick, Q.	Sheppard, T.
Donkin, Sir R. S.	Smith, J. A.
Douglas, Sir C. E.	Smith, R. V.
Egerton, W. T.	Stanley, Hon. E. J.
Elliot, Hon. J. E.	Stanley, Hon. W. O.
Ferguson, Sir R. A.	Stewart, James
Gordon, R.	Strutt, E.
Grey, Rt. Hon. Sir G.	Surrey, Earl of
Grimsditch, T.	Teignmouth, Lord
Hill, Lord A. M. C.	Thomson, Rt. Hn. C. P.
Hobhouse, Right Hon. Sir J.	Thompson, Alderman
Hodges, T. L.	Troubridge, Sir E. T.
Holmes, W.	Wood, C.
Hoskins, K.	Wood, G. W.
Howard, F. J.	Worsley, Lord
Howard, P. H.	
Howick, Lord Viscount	*Tellers.*
Hutton, R.	Seymour, Lord
Inglis, Sir R. H.	Steuart, R.
Irton, S.	

Original question again stated.

Mr. HUME.—I move, Sir, that you do now leave the chair.

The CHANCELLOR of the EXCHEQUER.—Will the Honourable Gentleman allow me to make a proposition? I would suggest that the resolutions should be taken, and that the Report of the committee then be printed; and that a full discussion upon that be taken on its

being brought up. If the House should decide in favour of the resolutions, I will ask leave to introduce a Bill, and will consent to postpone the second reading till Honourable Members shall have had further opportunity of communicating with Ireland. There are several important measures now on the table; but if the power of minorities is to be exerted in this manner, it would be impossible to proceed with any of them.

Mr. HUME. — I must say that it is most unreasonable for the Right Honourable Gentleman to press a measure of this importance through the House, without giving the people of Ireland full opportunity of expressing their sentiments upon it. It has not, in fact, been discussed at all; for I believe that the minority against the resolutions constituted the majority present during their discussion.

LORD JOHN RUSSELL. — I cannot concur with the reasoning of the Honourable Member, who has said, that this, being a measure of considerable importance to Ireland, ought to be postponed till the next Session. I do not think that a reasonable request. I see no reason why Parliament should be prorogued while there are still such measures of importance before it. If there be measures of great importance pending, let Parliament consider those measures. If the Honourable Gentleman persist in his motion, the House must go on with the discussion, another night; but I really do not see what advantage can result from that course.

Mr. O'CONNELL. — I have no objection to the discussion being continued to-morrow night. It has not been discussed at all yet. Very few Members were present during the debate, and I believe that the Noble Lord himself did not hear a single word of it.

The CHANCELLOR of the EXCHEQUER. — I think I can point out to Honourable Members who oppose the intended measure, why they would not be committing themselves by permitting these resolutions to pass. They have declared their willingness to continue the existing system for one year: now, there is nothing in these resolutions opposed to that course of proceeding.

Mr. HUME. — Surely the Right Honourable Gentleman does not mean to say that all he has told us, to-night, is to pass for nothing? Has he not said that this monopoly was to continue for four years?

The CHANCELLOR of the EXCHEQUER. — That is what I intend to propose in the Bill; but it is not so stated in the resolutions. In fact, these resolutions are not required, at all, for the Charter Bill — they are only required for the funding of Exchequer bills.

Question, "That the Chairman do report progress, and ask leave to sit again," put, and agreed to.

Committee reported progress; to sit again this day.

FACTORIES BILL.

Further consideration of Report deferred till this day.

ADMIRALTY COURT BILL. — CONSTABULARY FORCE (IRELAND) BILL. — METROPOLITAN POLICE COURTS BILL. — GRAND JURY CESS (IRELAND) BILL. — SALE OF SPIRITS (IRELAND) BILL.

Committees deferred till this day.

DUBLIN POLICE BILL.

Read a second time, and committed for this day.

NEW SOUTH WALES BILL.

Third reading deferred till this day.

JURORS AND JURIES (IRELAND) BILL. — MILITIA BALLOTS SUSPENSION BILL.

Severally reported; to be read a third time this day.

ECCLESIASTICAL DISTRICTS BILL.

Reported; to be read a third time on Wednesday next.

POSTAGE DUTIES BILL. — PUBLIC WORKS (IRELAND) BILL.

Reports severally deferred till this day.

STAGE CARRIAGES BILL.

Committee deferred till Monday next.

BIRMINGHAM POLICE BILL.

Committee deferred till this day.

METROPOLIS IMPROVEMENTS BILL.

Committee nominated: — Mr. Chancellor of the Exchequer, Sir Matthew Wood, Sir Robert Peel, Lord Viscount Lowther, Mr. Herries, Admiral Codrington, Sir Robert Harry Inglis, Mr. Clay, Mr. George Palmer, Sir De Lacy Evans, Mr. Pendarves, Mr. Barnard, Sir Benjamin Hall, Mr. Wakley: — power to send for persons, papers, and records: five to be the quorum.

SLAVE TRADE (PORTUGAL) BILL.

On the motion of VISCOUNT PALMERSTON, the Order of the Day for the third reading, read.

Upon the question, "That this Bill be now read a third time,"—

SIR R. INGLIS said: — As this is the last stage at which the attention of the House can be called to this Bill, I am anxious to offer a very few observations. The House will recollect that, last year, it adopted a resolution, pledging itself to take all measures that might be deemed necessary for the suppression of the foreign slave trade; and the Noble Lord the Secretary for Foreign Affairs then declared that he would be prepared to take measures to obtain those means for seizing slave vessels sailing under the Portuguese flag, which, until that time, the Government of Portugal had refused to grant. This Bill is the redemption of that promise; and, in agreeing to this measure, it is my earnest wish that the House should fully understand the extent to which they pledge themselves. I could have wished that this Bill had been brought on at an earlier hour, because I did intend to call the attention of the House to the details of the law upon the subject, as settled by the terms of the various treaties. But I feel that, at this time, I should not be justified in detaining the House for such a purpose. I will, therefore, proceed at once to the consideration of the nature of the Bill before us. The House will be aware that the Bill gives to the Government of this country, and to the functionaries employed under the Government the power of seizing, without the sanction of the Portuguese Government, all ships of that nation, which may be encountered, while engaged in the slave trade, in any part of the world, —whereas, by the existing law, that power is limited to latitudes north of the line. Now, let the House weigh well what are the consequences which may result from this measure. If Portugal should resist, then this country must be prepared to vindicate its own act by recourse to war; and I trust that, if called upon, the House will not shrink, in such a cause, from even that alternative. I trust there is no real risk of such an alternative being presented to us; but, at all events, it is of the greatest importance, that, in passing this Bill, the House should know, distinctly, what that alternative is, to which, if it should unhappily arise, it will stand committed. Should such a crisis arise, I am sure that the feeling of the House, and I know that the feeling of the country, would support the Government in maintaining the cause of humanity and the national honour, and that the people of Great Britain will not shrink from entering even upon the career of war, should that course be rendered necessary for such an object. I have received accounts from the Brazils, and elsewhere, which justify me in repeating that which I have said on former occasions, — that, since the attempt which this country has made to suppress the slave trade, the horrors of that inhuman traffic have increased in a considerable — in a frightful degree: since the trade has been declared contraband, it is carried on — now, for example — to a much greater extent than it was last year. I find that, at the Port of Rio alone, no fewer than 69,000 slaves were landed in the course of last year; besides which, vast numbers were landed at two other ports on the same coast; — and it is no exaggeration to say, that for every slave captured, and freed, when landed, three are torn away for ever from their own country. The effect of this trade is to depopulate Africa, while it demoralises Europe. It is a curious circumstance, that those who are engaged in the slave trade seem to have no apprehension of interference on the part of their own Governments. They make their arrangements with reference to the English cruisers, not with any precautions against the steps that may be taken against them by their own Government. The inference from this fact is irresistible. I believe I may say, that there is scarcely an instance of a public functionary going from

one of these Governments to a slave-dealing country, and endeavouring, there, faithfully to discharge his duty to his sovereign, — and, I may add, to his God. I have heard but of one case of a Governor using his power to suppress the slave trade, in the country with the government of which he was intrusted. I find that the Governor of Mozambique, on the other hand, has actually taken on himself to suspend the order of the Queen of Portugal, which forbids the traffic; and has defended the trade in slaves in regard to the colony which he governs, on the ground that it is the only source of its revenues. When I find that the flag of Portugal has covered the importation of 69,000 slaves into the Port of Rio alone, in the course of the last year, — and when I have every reason to believe that the gross import into the various ports on that coast has, at least, doubled that number within the same period, — when I find that, notwithstanding the exertions of the Noble Lord the Secretary for Foreign Affairs, and of the Government to which he belongs, the Government of Portugal have positively refused to execute a treaty, under every variety of form in which the Noble Lord has successively submitted it to them, to empower the British cruisers to seize vessels engaged in the slave trade, and sailing under the Portuguese flag, — when I see all this, I feel that the time has arrived, at which this country must take on itself those powers which are necessary for putting an end to this demoralising and inhuman traffic, — and which, under the terms of former treaties, it has a right to claim. There are many other topics connected with this subject, which I should have been glad to have had an opportunity of adverting to; but at this hour, I feel that I should not be justified in intruding on the patience of the House, further than to make this concluding observation, — that the only three Governments whose flags cover the slave trade, are Governments which profess to be based upon liberal principles, — namely, the United States, Spain, and Portugal; — and this is a fact which tends strongly to confirm me in the truth of those doctrines which, since I have ventured to form an opinion upon politieal matters, I have always subscribed to. With this passing observation, which I hope Honourable Gentlemen will consider not wholly unsuited to the occasion, — (for, whatever professions may be made in private, the real value of them will always depend upon the manner in which they are carried out in public life,) — I sit down, cordially assenting to the passing of this Bill.

CAPTAIN PECHELL. — I must congratulate the Noble Lord the Secretary for Foreign Affairs on the very full account he has, in these papers, given of all that has taken place in the shape of negotiation with the Portuguese Government during the last ten years. He has succeeded in reducing a half ton weight of protocols into six pages of this Bill. The Honourable Baronet, who has just sat down, has called attention to the enormities that are exercised in the slave traffic, as now carried on under the Portuguese flag. I hope the Noble Lord will earnestly take this matter into his consideration, and that he will not fail to press on the Lords Commissioners of the Admiralty the necessity for providing a sufficient number of good and efficient ships to act against the slave vessels, — and I have no doubt the Honourable Baronet (Sir R. Inglis) will also join me in pressing on the attention of the Government the necessity of providing the means of ample remuneration to those gallant officers and men, who may be engaged in this dangerous service.

VISCOUNT PALMERSTON. — I am aware that I may be charged with delay in bringing in this Bill; but I did hope that the Portuguese Government would have been induced to reverse the decision to which it has so pertinaciously adhered, and would have consented to our proposition, — in which case this Bill would not have been requisite. I conceived, too, that it would not be advisable to propound a measure of this character, unless ample grounds could be shown for it. Those grounds are, unfortunately, to be found in the papers relative to the slave trade which I have laid on the table of the House, and which it was necessary for us to prepare and consider before this Bill could be brought in. I quite agree with the Honourable Baronet in the hope that the powers of this Bill will materially assist the Government in their efforts to put down the slave trade. It is well known that the great amount of that trade is now carried on under the Portuguese flag. Not that I mean to say that the Government of Portugal can be considered as chargeable on account of the great number of the ships that carry on this illegal traffic under the protection of their flag, for very many of those vessels belong to Spain and the Brazils. But this aggravates the difficulty we have to contend with; because the effect of not giving us the power to capture slave vessels sailing under the Portuguese flag, is, that all the principles of humanity are grossly violated, not only by ships of that country, but by vessels be-

longing to the Brazils and to Spain, which, sailing under that flag, instead of their own, set us at defiance. I am happy to say that we have already made considerable progress in our efforts in the cause of humanity; and I trust, before long, that we shall have Austria, Russia, and Prussia cordially uniting with us in a determination to put down the trade in slaves; and then, no doubt, the three remaining European powers,—Hanover, Belgium, and Greece —will see the necessity of co-operating in giving us the right of search. We have recently concluded a treaty with Venezuela, another with New Grenada, and another with Chili. The treaties with the Governments of Buenos Ayres, Peru, Bolivar, and the other South American states, have not yet been executed; but if we can induce them to concur with us,—which we have every hope that we shall do,—we shall then be in a condition effectually to carry out our principles. I may be allowed to make one remark on the concluding observations of the Honourable Baronet, who stated that those three foreign powers, which possessed the most liberal institutions, were those which prosecuted the slave trade more than any others, — namely, Spain, Portugal, and the United States. Now, as to the United States, although slavery is, unfortunately, and, we must admit, inconsistently with their constitution, retained by them, they cannot be justly charged with prosecuting the slave trade; — so far from it, I have much satisfaction in informing the Honourable Baronet and the House, that, our cruisers, having recently captured three slave vessels, which were claimed as belonging to the United States, and accordingly delivered up, the Government of that country, as I am informed, are now proceeding to prosecute these parties; so that the Government of the United States, though it does not carry out the principle with regard to its internal affairs, and the existence of domestic slavery in some of the states, still shows an anxiety to enforce those laws which prohibit the prosecution of the trade in slaves. Then, with regard to Spain and Portugal, I attribute the extent to which the slave trade is carried on by subjects belonging to those nations, not to the liberal institutions which they have recently obtained in those countries, but as the result of that long-established despotism, which, for a great number of years, they have been subjected to. For one, I confidently look forward to those free and liberal institutions which they have so recently acquired, as the means which, ere long, will redeem them from a practice so revolting and contrary to the principles of humanity. I thank the Honourable Baronet for the support which he has given to this Bill; and I hope it will meet equally with the acquiescence of all parties, both here and elsewhere. With respect to the alternative, of which the Honourable Baronet has spoken, it is undoubtedly true, that Portugal might, if she pleased, commence a war against this country, for acting upon the powers which this Bill will, if passed, give to the Government. But it must be remembered that we are, herein, only maintaining our rights—rights conceded to us by treaties, and purchased with our money; and that, therefore, if Portugal were to take violent measures in opposing the enforcement of those rights, she would most justly expose, herself to that punishment, which the superior force possessed by this country would most undoubtedly, in such case, inflict upon her. And I say, that, in carrying out these principles, and maintaining our own rights, and our own honour, we are, at the same time, conferring a benefit on Portugal; — for what can be the value of colonies, the only revenue from which is derived from the export of human beings,— whereas, from their position, their climate, and the fertility of their soil, they might become the source of commercial prosperity, and an element of power, to the country to which they belong?

SIR T. D. ACLAND. — I rise merely to make that acknowledgment which I think is due to the Noble Lord, from every friend of humanity, for his unremitting efforts in the suppression of the trade in slaves; and, more especially, I think he is entitled to our thanks for the course he has taken with regard to this Bill. I think, also, that it may well form the subject of congratulation to the Noble Lord himself, that it has fallen to his lot to pass through this House a Bill, which I confidently believe to be the last great step wanting to complete the great work of emancipation. I trust much to the discretion and firmness of the Government, in carrying out those principles, for the success of which we are all equally anxious. I trust that, whatever consequences may result from this Bill, —and the principle must extend far beyond Portugal, and constitute the general means of declaring our enmity against all who may continue to encourage this abominable traffic, — I hope that, whatever those consequences may be, the Government will be prepared to meet them. I wish, before I sit down, to ask my Noble Friend a question. It was generally presumed

that her Majesty's Government would endeavour to induce the European Governments to go one step farther than they had yet done, and to brand this offence with the title, as well as the consequences, of piracy. As my Noble Friend has not adverted to this point, I should be glad to hear from him what success has attended his efforts to this end? I am free to presume that this Bill is to be no dead letter, but that it will be carried out, with all discretion, but, at the same time, with a determination to effect the object it has in view. I am quite sure the Admiralty will use its efforts in furtherance of our general views, by providing a sufficient force,—by which one half of the difficulty, and one half the misery of a hostile interference, will be prevented. Above all, I would urge upon them the propriety of providing a strong force of steam-ships proper for this service.

VISCOUNT PALMERSTON. — In reply to the question which my Honourable Friend has put to me, I beg to observe, that her Majesty's Government have endeavoured to persuade the Governments of other countries to make this crime "piracy;" and I trust that, although we have not yet been successful, we shall, ere long, induce them to acquiesce in that proposal. We made the proposition to the Portuguese Government, among others; but they at once declined to accede to it. We then proposed that the crime should be called "a piratical offence;" they replied, that that was a hard term, and there was no use in calling names.

The question was then agreed to; Bill read a third time; amendments made, and Bill passed.

HALIFAX, HUDDERSFIELD, AND BRADFORD SMALL DEBTS (No. 2.) BILL.

Bill, "for the more easy and speedy Recovery of Small Debts within the Parishes of Halifax, Bradford, Keighley, Bingley, Guiseley, Calverly, Batley, Birstal, Mirfield, Hartishead cum Clifton, Almondbury, Kirkheaton, Kirkburton, and Huddersfield, and the Lordship or Liberty of Tong, in the County of York," presented, and read a first time; to be read a second time.

SLAVE TRADE TREATIES.

Bill, "to continue an Act of the last Session (1 and 2 Vic. c. 102.) of Parliament, for authorising her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade," ordered to be brought in by LORD VISCOUNT PALMERSTON and LORD JOHN RUSSELL. Bill brought in accordingly, presented, and read a first time; to be read a second time on Monday next, and to be printed.

RETURNS, &c.

Tithes Commutation. — On the motion of Mr. BAINES, Return ordered —

Of all agreements for the commutation of tithes which have been confirmed by the Tithe Commissioners, from the 1st day of January, 1839, to the 1st day of July, 1839, (being in continuation of the Return presented on the 5th day of February, 1839, No. 68., ordered to be printed 28th February, 1839).

Birmingham. — On the motion of Mr. FOX MAULE, Address for —

Copy of a letter from her Majesty's Principal Secretary of State for the Home Department to certain gentlemen resident at Birmingham, dated the 2d of October, 1837, with reference to an inquiry which was held there in the autumn of that year.

Warwick Gaol. — Copy presented — of Report of the visiting magistrates of Warwick gaol, on the allegations in the petition of Messrs. Lovett and Collins; and, also, the evidence on which the Report was founded (Address 24th of July). — To lie on the table.

Unlawful Meetings.—Copy presented— of a letter addressed by Colonel Rolleston, M. P., to the Secretary of State for the Home Department, dated the 29th day of May, 1839, respecting unlawful meetings (Address 24th of July.) — To lie on the table.

Justices of the Peace (Lanarkshire).— Abstract of Return (presented 6th of February). — To be printed.

Jury Causes (Scotland). — Abstract of Return (presented 12th of February). — To be printed.

Corporation of London. — Accounts (presented 24th of July)— To be printed.

Adjourned at two o'clock.

HOUSE OF LORDS, VENERIS, 26° DIE JULII, 1839.

APPEALS.

Carter *v.* Sir W. H Palmer, Baronet. — Set down for hearing.

Campbell *v.* Boswell. — Appeal presented, and respondent ordered to answer in four weeks.

Stewart *v.* Campbell (or Stewart). — Petition of the respondent for leave to lodge cases.— Read, and referred to the Appeal Committee.

Sir Francis Burdett, Baronet, *v.* Doe, on demise of Spilsbury (writ of error); Skynner *v.* Doe, on demise of Spilsbury (writ of error). — Delivered by Thomas James Waters, the Clerk of the Errors of the Court of Queen's Bench (by leave of the House), in the absence of the Lord Chief Justice of the Court of Queen's Bench.

BLIGH'S ESTATE BILL.—BOULTON'S ESTATE BILL.— TEMPLER'S ESTATE BILL.

Returned from the Commons, agreed to.

RUTHERFORD CLAIM OF PEERAGE.

Report from Committee for Privileges, "That the claimant had not made out his claim to the title and honour of Baron Rutherford," made, and agreed to; and resolved and adjudged accordingly; and resolution and judgment to be laid before her Majesty, by the Lords with white staves.

APPEAL COMMITTEE.

Ninth Report from, read, and agreed to; and ordered accordingly.

The EARL of SHAFTESBURY sat Speaker.

House adjourned during pleasure, and resumed by the LORD CHANCELLOR.

THE QUEEN'S ANSWER TO ADDRESS OF YESTERDAY.

Reported.

ANNANDALE PEERAGE.

The MARQUESS of LONDONDERRY presented a petition from Francis Bickerstaff, otherwise Johnstone, Lieutenant R. N., praying that the judgment of this House, respecting the said peerage, may not be given at present; so that the petitioner may have an opportunity to produce witnesses and documents, to prove himself the legitimate son of the late Marquess of Annandale. — Read, and ordered to lie on the table.

BELPER SMALL DEBTS BILL (No. 2.).— NEWARK SMALL DEBTS BILL.

Read a third time, with the amendments; Bills passed, and sent to the Commons.

OLDHAM SMALL DEBTS BILL.

Read a third time, with the amendment; Bill passed, and sent to the Commons.

ABERFORD SMALL DEBTS BILL. — GLOSSOP SMALL DEBTS BILL. — GRANTHAM SMALL DEBTS BILL.—ROCHDALE SMALL DEBTS BILL.— ROTHERHAM SMALL DEBTS BILL.—WARRINGTON SMALL DEBTS BILL.

Read a third time, and passed.

CHESTERFIELD SMALL DEBTS BILL.— ECKINGTON SMALL DEBTS BILL.

Reported, with an amendment.

BURY SMALL DEBTS BILL.

Brought from the Commons, and read a first time.

WIRKSWORTH SMALL DEBTS (No. 2.) BILL.

Reported, with amendments.

LONDON AND BLACKWALL COMMERCIAL RAILWAY BILL.

Report from the select committee, "That the committee had met, and proceeded with the consideration of the Bill, and, for the convenience of parties, the committee pray leave not to sit again until Tuesday next," read, and leave given accordingly.

HATFIELD SMALL DEBTS (No. 2.) BILL.

Reported, without amendment.

STANNARIES COURTS (CORNWALL) BILL.

Read a third time (according to order); an amendment made; Bill passed, and sent to the Commons.

ASSESSED TAXES COMPOSITION, &c. BILL.

Read a third time, and passed.

NATIONAL EDUCATION.

The EARL of DURHAM presented a petition against any grant of money for the purposes of education, which shall not extend generally to all sects of religion, — from Dissenters of King's Lynn. — Read, and ordered to lie on the table.

VENTILATION OF THE HOUSE.

The EARL of WICKLOW. — As experience, for some years past, has shown that the business of this House seldom commences until the dog-days, I beg to ask the Noble Viscount opposite, whether the system of ventilation which has been so successfully applied to the House of Commons can be applied to the building in which your Lordships now meet?

VISCOUNT DUNCANNON. — I have made some inquiries of Dr. Reid upon the subject; and his opinion is, that the system might be applied to this House, but that it would be attended with considerable expense.

APPOINTMENT OF MAGISTRATES.

LORD WHARNCLIFFE. — I am anxious to correct a mistake respecting a petition which I last night submitted to your Lordships. It is stated, I see, that I presented a petition upon the subject of the improper appointment of magistrates, from the town of Doncaster, whereas it was from the town of Poole, in Dorset.

MAYNOOTH COLLEGE.

The MARQUESS of LONDONDERRY presented a petition against any further grant of money for the support of, — of inhabitants of Newtownards. — Read, and ordered to lie on the table.

STATE OF IRELAND.

LORD HATHERTON. — I beg to ask the Noble Lord (Lord Wharncliffe), whether he is aware that portions of the evidence taken before the committee which sat upon the state of Ireland have been published in a newspaper called the *Dublin Evening Mail*, together with comments and arguments appearing to convey the sense and opinions of the committee on those portions of the evidence? I do not know who communicated the evidence to the newspaper in question, but I think it is as well that it should be known that the opinions therein appended to it ought not to be taken as the opinions of the committee.

LORD WHARNCLIFFE.—I certainly think the publication of the evidence, with comments, in the manner which the Noble Lord has stated, very improper; but I cannot enter into the inquiry as to the source from whence such portions of the evidence were obtained.

LORD BROUGHAM. — I beg, now, to lay on the table of the House a paper, containing references to the pages of the Report, to which I intend to direct the attention of your Lordships.

The EARL of WICKLOW. — I cannot avoid expressing my opinion that the course proposed by the Noble Lord is

highly objectionable; because it will lead to the evil of the Report being discussed by piecemeal, — and such a course will be unjust to all parties. It will not be just to the House, nor to the public; and it will be particularly unjust to the Government, who are accused in the evidence. The Noble and Learned Lord seems to think that twelve days will be enough for the consideration of this voluminous Report. It may be in the power of the Noble and Learned Lord to make himself master of the subject — or, at least, of such parts of it as he thinks important — in that brief space of time; but it is not the lot of every man to be able to devote either so much time or application to one subject. Besides, at this period of the Session, the table of the House is, from day to day, becoming more and more crowded with business from the other House, and the mere business of the reading of the Bills is sufficient to occupy all the time which most of your Lordships can command. I sincerely hope, therefore, that the Noble and Learned Lord will not persevere in bringing forward his motion at the time he has stated. I think it is a matter that is much too important to be brought under consideration and discussed in so hasty a manner. The Noble and Learned Lord intends to confine himself to particular parts of the Report; but there are other Members of your Lordships' House, who will not do so. I think I have a right, and that every Noble Lord has a right, to discuss every part of that Report, if we may happen to consider it necessary that we should do so. For my own part, I think that there are many portions of the Report more material, as far as the peace and tranquillity of Ireland are concerned, than those which have been chosen by the Noble and Learned Lord. There is another reason why this matter should not be precipitately dealt with: the House of Commons have expressed a wish to have the Report furnished to them; and it is not easy to say whether they may not think the character of the Government so much implicated by the evidence, as to deem legal proceedings, or even an impeachment, necessary to be founded on it. I hope, therefore, that your Lordships will not proceed hastily in this matter. The Report ought to have an attentive perusal; and there are four volumes of it, — of which I have, as yet, received only two.

EARL FITZWILLIAM. — I am always exceedingly sorry when I cannot subscribe to an opinion, or approve of a course, propounded by my Noble and Learned Friend. I confess that I think the proceeding now proposed by my Noble and Learned Friend is one to which the most serious objections may be taken. I do not object to my Noble and Learned Friend submitting a motion on the subject, either on Monday next, or on Monday fortnight, or on Monday three weeks, or on whatever other day he may think proper to fix upon. That portion of my Noble and Learned Friend's course to which I object is, to laying upon the table of the House the paper which he has just proposed for the acceptance of your Lordships. I understand that paper to contain a list of the pages of the Report to which my Noble and Learned Friend thinks it necessary that the attention of your Lordships should be directed; but I wish to know what is to prevent every other member of the committee, or of the House, from laying a similar paper before your Lordships? If a gentleman publish a book, — or, if my Noble and Learned Friend publish a book, — (and he sometimes does publish books, much to the edification of his fellow countrymen — and not only of his fellow countrymen, but of the world at large,) — and if, being desirous that I should read that book, he choose to mark out certain passages or pages for my particular consideration, he will have a right to do so; but the Noble and Learned Lord cannot be said to stand in the relation of an author to this evidence, and therefore he cannot act in that manner. This is really a matter of very great importance; and I put it to the House whether it be right that an individual — for my Noble and Learned Friend is only an individual — should prescribe to your Lordships what course you should take in reference to it?

LORD BROUGHAM. — I beg my Noble Friend's pardon, but ——

Several NOBLE LORDS. — Order, order!

LORD BROUGHAM. — What is the use of my Noble Friend pursuing his objection, when I will put an end to it, by saving your Lordships the trouble of considering my paper?

EARL FITZWILLIAM. — I have not finished.

LORD BROUGHAM. — The argument is addressed to me.

EARL FITZWILLIAM. — And to the House.

LORD BROUGHAM. — Then, if it be addressed to the House, I will put an end to it, by withdrawing the paper, and putting it in my pocket. I do not wish to confine your Lordships to the pages which I have referred to in the paper; I have only pointed them out, as being those, amongst others, which deserve your attention, and as being those on which I intend to rely, as the ground of my motion. I think it is nothing but fair to the Government that I should do so; and, now, I will give the paper to the Noble Marquess. I hope that it is not unpardonable; I hope that course will be subscribed to. There are 1400 pages in the Report; and I must say that I do not like the idea of giving the Noble Marquess, and his colleagues and friends and advocates, the trouble of wading through the whole mass of evidence, to find out the parts to which I shall refer. I think it but fair to give them notice of the passages on which I shall comment; but I do not, by that course, intend to confine Noble Lords to those passages, only. Now, there is an end of that matter. With respect to the objections of my Noble Friend opposite, I must say that I cannot submit, with the same pliancy, to what has fallen from him. I am not at all convinced by his argument. His objection appears to be, that the Report ought not to be considered by piecemeal; he would have the whole subject brought under consideration at once; and so he may, if he please. But when he talks of unfairness to the House and the Government, I must say that the course which I have proposed is most fair to the House, because it would relieve Noble Lords from much needless trouble; and, above all, it is fair to the Government, because it would point out to them the particular parts upon which they are to prepare themselves to give answers. As to the length of time necessary for reading the Report, — coming out, as it does, in parts, — your Lordships will have the same power of reading it, as if the whole had been in your hands on Monday last; for it is impossible that you can read more of it than what appears from time to time. I am quite certain that, even if I had waited till next Session, and then given the notice which I have placed upon the Journals, no man would have opened the Report more than a fortnight before the discussion was to commence. I am sorry I cannot yield further, for I feel bound to go on with my motion. I am, however, disposed to take the discussion on Tuesday, the 6th, instead of Monday, the 5th, of August.

The EARL of WICKLOW. — I beg to say that I do not object to discussing the Report piecemeal; for I think, considering the extent of the inquiry, that that would be the fairest mode of proceeding.

LORD BROUGHAM. — I am disposed to take one step more to meet the views of the Noble Earl. If I find, after the debate on Tuesday, that the whole matter has not been fully discussed, I shall give a notice that I will renew my motion next Session.

The MARQUESS of LONDONDERRY. — My opinion is, that there ought to be a discussion on the Report during the present Session; for I am sure that, if no debate take place, the people of Ireland will be greatly disappointed. I think the Noble Marquess at the head of the Colonial Department has a right to call for some expression of opinion from your Lordships, in reference to the evidence taken before the committee. I hope, therefore, that the Noble and Learned Lord will persevere in his motion; and I also trust that every member of the committee will take the opportunity thus afforded by the Noble and Learned Lord of bringing under the consideration of the House such parts of the evidence as he may deem worthy of attention, so as to extend the debate to the whole subject.

The MARQUESS of NORMANBY. — I am not surprised at the opinion expressed by the Noble Marquess, — I am not astonished that the Noble Marquess should wish for a decision on this subject, without hearing, even, the defence which I have to offer. Fortunately, however, I am not altogether in the hands of the Noble Marquess; but I shall be prepared at any time to explain such parts of my conduct as may be called in question. I have to thank the Noble and Learned Lord for the paper which he has put into my hands, and I shall certainly avail myself of it. As far as I understand the nature of the document which I have received from the Noble and Learned Lord, it is a sort of summary of the questions in the evidence, to which his motion will allude; and I think it would be of advantage to your Lordships, if the paper were printed. I should now give notice, that when the Noble and Learned Lord brings forward his motion, although I shall particularly direct my observations to the points to which that motion alludes, I shall not confine myself entirely to them. I shall feel myself at liberty, on that occasion, to consider the speech of the Noble

Lord who moved for the committee, and to examine how far the facts put forward in that speech have been borne out by the evidence which has been adduced. I shall also offer some observations on the mode of examination which was adopted by the committee.

LORD ELLENBOROUGH. — I do hope the Noble Marquess will not pursue the course which he has intimated his intention to follow. I trust the Noble Marquess will rather avail himself of the opportunity which will be offered by the discussion which will take place on a Bill that, now, will soon be before your Lordships, to enter upon those topics to which he has alluded. I think the matter to which the motion of the Noble and Learned Lord has reference, is of such very high importance, that the discussion ought to be confined, exclusively, to that matter. The motion of the Noble and Learned Lord does not directly affect the Noble Marquess. It is not, I apprehend, the intention of the Noble and Learned Lord to make any remarks upon the gaol deliveries, as they have been called, of the Noble Marquess. The first point to which my Noble and Learned Friend will direct your Lordships' attention, is one with which the conduct of the Noble Marquess is in no way concerned, — namely, the composition of juries, and the effect of the Jury Act. Another point will have reference to the new system of abstaining from making challenges of jurymen, on the part of the Crown, unless under particular circumstances. The introduction of this new mode of proceeding does not rest with the Noble Marquess, but with the Attorney General for Ireland. Another point will have reference to the practice of transmitting memorials relative to prisoners and that is the only point which will in any way touch the conduct of the Noble Marquess. Another will have relation to the subject of estreating the recognizances of witnesses; but that point will have no direct bearing on the proceedings of the Noble Marquess. I do think that the question relating to the administration of justice is one of the utmost importance; and as the Noble and Learned Lord's motion is directed to that question, alone, I trust that no other topic will be introduced into the debate, — as that subject, alone, is amply sufficient to occupy your Lordships' attention for one night.

EARL FITZWILLIAM. — Before any other Noble Lord addresses the House, I wish to know whether the present discussion is orderly?

The DUKE of WELLINGTON. — I, for one, have not yet been able to read a word of the evidence. From the remarks which I have heard, I feel called upon to say a few words, as I hope thereby to save some portion of your Lordships' time. It appears to me that the Noble and Learned Lord has a perfect right to make any motion on this subject, on any day he may think fit. The notice of the Noble and Learned Lord, as to his intentions, is merely a matter of courtesy; and, really, it appears to me that your Lordships are but wasting your time in discussing the subject of the Noble and Learned Lord's motion, before it is brought regularly under your consideration. I merely offer this suggestion for the consideration of your Lordships. If the Noble and Learned Lord bring forward his motion before your Lordships have had time to peruse the evidence, and before you have been able to make yourselves masters of the whole subject, it is clear that the Noble and Learned Lord will not do justice to himself, or to his own motion, or even to the House; but these are matters for his own consideration. At present, I think your Lordships are but throwing away your time, in discussing a subject which has not yet come regularly under your consideration.

LORD BROUGHAM. — I quite agree with the Noble Duke. The Noble Duke, with his usual clearness, has put the matter in the right point of view; and after what has fallen from him, I do not hesitate to say that I shall reconsider the course which I propose to follow. If I find that your Lordships will not have sufficient time to examine the evidence, I will reconsider my motion, and let your Lordships know, next Tuesday, what course I shall follow; and, on the Thursday after, I shall lay upon the table the very words of the resolution which I intend to submit to your Lordships. My own impression, however, is, that I shall proceed with my motion on the day I have already mentioned.

The MARQUESS of NORMANBY. — I intended to mix up the discussion on the evidence taken before this committee, with the discussion on the Bill relative to administering unlawful oaths; but, on consideration, I think it would be better not to connect the two subjects.

The EARL of RADNOR. — I think that it would be convenient if the Noble and Learned Lord were to state, distinctly,

what course he wishes the House to pursue.

LORD BROUGHAM. — I cannot but feel, from what has, this night, taken place, that if any Illustrious stranger had been listening to your Lordships' proceedings of this evening, he must have supposed that I was an individual possessed of the greatest weight, the greatest authority, and the greatest influence of any in this House; whereas the truth is, that I have no more weight, no more authority, no more influence, and have nothing more to say with your Lordships, — than even the Noble Viscount at the head of her Majesty's Government!

HOUSES OF PARLIAMENT.

The MARQUESS of SALISBURY. — My Lords, I beg leave to present a petition from Robert Adams, of Old Barge House Wharf, near Blackfriars Bridge, praying that Limerick stone may be employed in the construction of the new Houses of Parliament. On the face of the petition, it appears that this individual has offered to furnish stone for the erection of the new Houses of Parliament. I think it is desirable that the petitioner should have an opportunity of producing a specimen.

VISCOUNT DUNCANNON. — I submitted the matter to the consideration of Mr. Barry, who consulted two Dublin stonemasons; and they gave it as their opinion, that the stone which the petitioner offers to supply is so hard as to make it almost impossible to work it. The expense of working such a stone would be very great.

Read, and ordered to lie on the table.

JURISDICTION OF COUNTY MAGISTRATES IN BOROUGHS.

The LORD CHANCELLOR. — I had a question put to me, a few nights ago, by a Noble Lord whom I do not now see in his place, with reference to the concurrent jurisdiction of county magistrates with borough magistrates, in borough towns, situate like Birmingham. When that question was put to me, I took the liberty of postponing my answer, thinking it very desirable that I should be able to reinforce my own opinion with an authority that might put an end, as far as possible, to any misunderstanding upon the subject. I wrote, therefore, to my Noble and Learned Friend the Lord Chief Justice, who was on the circuit, — well knowing, for I knew it, from forty years' experience of his candour and fairness, that if he saw, upon reflection, any error in the views which he had entertained, or propounded on the matter, he would immediately acknowledge it. In the letter which I addressed to my Noble Friend, I stated, that, from the consideration which I had given to the subject, I had come to the conclusion that, in Birmingham, and other towns similarly situated, the county magistrates had concurrent jurisdiction with the magistrates of the borough. My Noble and Learned Friend, in a letter which I received this morning, says, —

> The opinion resulting from my recent examination of the point, coincides with your own; and, as there is no chance of my being in the House, myself, no time should be lost in correcting the error into which I have fallen. My excuse for venturing an opinion in debate, is, my strong conviction of the great inconvenience likely to ensue from any doubts upon the responsibility of magistrates in times of danger and disturbance.

I may state, at the same time, that the view which my Noble and Learned Friend now takes of the question, is in accordance with the general opinion of the profession.

LORD BROUGHAM. — I happen to know that my Noble and Learned Friend was misled by not having attended to a particular section of the Corporations Act, which, your Lordships know, is a very long one. I fell into the same error, myself, from a similar cause; in fact, I deferred to my Noble and Learned Friend's opinion.

The DUKE of WELLINGTON. — My Lords, I beg leave to observe, that my Noble Friend, the lord lieutenant of the county of Warwick, stated, when this subject was last under the consideration of your Lordships, that three out of the twenty-two borough magistrates, were magistrates of the county of Warwick. The Noble and Learned Lord on the woolsack will, I should think, admit, that, if the county magistrates have jurisdiction in the borough of Birmingham, the county magistrates, who are included in the borough commission, are, at least, bound to act.

The EARL of WARWICK. — My Noble Friend the Noble Duke mistakes the purport of what I said. What I stated was, that of the twenty-two borough magistrates, only three or four were Conservatives. Out of ten magistrates, who

were selected from one list, six were of the opposite party.

ELECTION PETITIONS TRIAL BILL.

Order of the Day for the House to be put into committee, and the Lords to be summoned, read; House in committee accordingly; Bill reported, without amendment; and to be read a third time on Monday next; and the Lords summoned.

SHERIFFS' EXEMPTION BILL.

House in committee (according to order); amendments made; the Report thereof to be received on Monday next.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.

House in committee (according to order); Bill reported, without amendment; and to be read a third time on Tuesday next.

LOWER CANADA GOVERNMENT BILL.

The MARQUESS of NORMANBY.—In rising to express a hope that your Lordships will take into your consideration the Order of the Day for proceeding with the Lower Canada Government Bill, I am anxious, while I make such observations as it will be my duty to offer, to confine them, as much as possible, to the object of the Bill itself. I say as far as possible, not only because I am convinced of the present importance of the Bill to Canada, but because I feel that it is of vital consequence to the future interests of that colony; and I should only discharge half my duty, if, while I stated the objects contemplated by the measure, I did not, at the same time, endeavour to obtain for it the general concurrence of your Lordships, with as much unanimity among yourselves and the other House of Parliament as the nature of the case may admit of. I shall therefore endeavour to avoid any topics relating to by-gone differences, and to future plans, of a permanent nature, for the government of that province. Before, however, I sit down, I shall say a few words, in consequence of her Majesty's Royal Message, as to what were the intentions of the Government upon this subject, and the reasons why, originally, those intentions were not carried into effect. With respect to the measure itself, I am anxious to urge it upon your Lordships' consideration, because I really conceive it to be most important to the present interests of Canada, and to its future prosperity. The disadvantages which have been felt in that country from the want of permanent legislation, have been owing, not so much to the unconstitutional character of the Government, as to its inefficiency. Undoubtedly, the abolition of a constitutional form of government must be felt, by all your Lordships, to be a great evil. It is an evil which can only be justified by the extraordinary circumstances of the case,—an evil, the existence of which can only be tolerated at a time when popular opinion is found to be inconsistent with public safety. Whenever such a state exists, there is, beyond a doubt, disease in the political body. Sometimes that disease originates in causes which afterwards cease to operate, and at other times it springs from some malconformation in the elements of society. I am afraid that the disorders which affect the body politic in Canada have their origin in the latter cause — aggravated, perhaps, by other circumstances. If, therefore, it be found necessary to suspend a constitutional Government, it is most important to provide against the inefficiency of its successor. The Bill for the temporary government of Canada was brought in, last year, under peculiar circumstances. It was introduced just after the suppression of one insurrection, and under the immediate outbreak of another. Under the influence of these apprehensions, it was natural that the object of the Legislature should be, to create a body, who should act as assistants to the Governor in the peculiar circumstances of the times. With that view, I think, it was, that the execution of the powers vested in this body was made prompt and decisive, while it was thought safer that their operation should be as limited as possible. In the first place, then, the number of the councillors was limited to five. Secondly, the duration of their powers was limited to the 1st of November, 1842. In the next place, there was a refusal of any power to levy taxes, or even rates of a local nature; and afterwards it was provided, that no laws should be passed by this body, which were inconsistent with the Acts of the British Parliament, or of the local Legislature. These enactments were found to work great practical inconvenience in Canada. In a new country like that, the absence of permanent legislation must, as your Lordships are well

aware, be felt severely by all interests. It must necessarily tend to the depression of them all, and prevent the introduction of fresh capital into the country. If this Act had not been introduced for a temporary purpose, the number of the Special Council would not have been so small. The first alteration, therefore, which I should propose, would be, that the number of members of the Special Council should, in future, not be less than twenty, — not less than eleven of whom shall form a quorum. The next alteration in the original Bill, is to give a more permanent character to the Acts passed by the Special Council. In making this recommendation, I am supported by an authority of some weight, — Sir J. Colborne, the present Governor of Lower Canada; who, in his despatch of the 31st of January, 1839, says, —

I beg leave to state to your Lordship, that I am persuaded that the most important remedial measures required, in the present state of the country, are those which would tend to the reconstruction and enlargement of the judicature, — to the establishment of registry offices, — to the commutation or abolition of the *lods et ventes*, particularly in towns, and the other oppressive incidents of the feudal tenure, — to the continuation and completion of local improvements, — and to the introduction of a well-regulated system of district police. With returning tranquillity, it is justly expected that the measures to which I advert will be speedily carried into effect, preparatory to the changes of a more difficult nature, which may be proposed for the permanent government of this province.

It therefore appears that this referred to the necessity of giving a degree of permanence to the enactments which had been passed previous to the re-establishment of a fixed Government there. In a subsequent despatch, dated March 15., Sir J. Colborne says, —

I have adverted, in my despatch of the 31st of January, No. 24., to the benefits of extending the system of police, which has been introduced into the cities of Quebec and Montreal, to the rural districts. The continuance, however, of the police already established, must depend on the enlargement of the powers of the Special Council, which can alone adequately provide for its support. Among other measures connected with local improvements, which, in the present situation of the country, are highly desirable, and which must be deferred till the Special Council is invested with the authority to raise loans applied for by the Earl of Durham, are, the establishment of inferior tribunals in every district, for the summary trial of petty offences, which may obviate the evil and inconvenience of bringing complainants and witnesses from remote distances; and the erection of court-houses and gaols. Whatever may be the restrictions which it might be deemed expedient to impose upon the exercise of the required important power by the Special Council, I cannot but express my opinion, that, to promote the future tranquillity of the province, and to deprive the influential factious individuals who have long exercised a dangerous control in several sections of this province, of that control, — the speedy concession of this additional power is indispensable.

Two subjects there are, as to which the want of some power of permanent legislation is most especially felt. The first of these is, the abolition of the feudal tenure in Montreal, — a measure most desirable, and one in which these ecclesiastics are very ready to acquiesce. A temporary ordinance relative to the matter has been passed, already; but this only the more forcibly shows the difficulty created by the present arrangement, which confines the duration of the legislative powers of the Special Council to three years. The other subject is that of a general registration, which has also engaged the attention of the local Legislature of Lower Canada for many years; and there exists no difference of opinion as to the advantages which would be obtained by its institution. On the contrary, it is much desired in a country where the transfers of land are so frequent, in comparison with what they are in England; and where, therefore, it is obvious that the investments of capital in land are impeded, and the profits derived from those investments endangered or deteriorated, by the impossibility of establishing any title by registration, that is not liable to be set aside at the expiration of three years. To remedy these evils, there is a provision in this Bill, giving the Special Council a power of permanent registration, subject to the approval of her Majesty, after having been laid before the two Houses of Parliament.

The next clause of the Bill relates to the subject of taxation, and alters the enactment, on that head, of the measure of last year. But there is a restriction on the Governor, to prevent the imposition of any new tax, except for the purpose of carrying into effect local improvements within the province of Lower Canada. It may, perhaps, be said, that these improvements might be promoted out of the general funds of the colony; but I am sorry to say that the resources of Lower Canada are not in a condition to afford a hope that they can be applied to any such beneficial purposes. By a Return of the revenues of Lower Canada for each year from 1833 to 1838 inclusive, it appears that there has gradually taken place in them, year after year, a very great diminution; and that the amount of net revenue for 1838, as compared with 1833, exhibits a diminution of nearly one third. In 1833, the gross amount of revenue was 212,971*l.*, and of net revenue, 147,712*l.*

In 1838, the gross amount was 146,079*l.*, and the net amount 95,547*l.* In 1833, the expenditure was 134,621*l.*; and, in 1838, (including 94,174*l.*, repayment of part of loan from the Imperial Treasury,) it was 224,050*l.* The balance in hand, in January, 1839, was 5381*l.* This is a lamentable picture of the result of the late disturbances; and therefore I think it desirable that funds should be provided for the purpose of promoting local improvements,—which would necessarily have the effect of restoring those habits of industry and regularity that have lately been so deplorably interrupted. The next alteration refers to the provision prohibiting the Special Council from interfering with any British statutes introduced into the colony. I believe that the original intention of that provision was, to prevent any alteration of the law of tenure, and any interference with the temporal or spiritual rights of the clergy of the Church of England; but the enactment was differently construed, and it was decided that, under that statute, the Special Council had not the power to suspend the Habeas Corpus Act. The clause in the present Bill will enable the Governor and Council to make laws affecting the tenure of land; but it is here, again, enacted, that such laws shall not have effect unless confirmed by Parliament.

I now come to the recommendations contained in the Report of my Noble Friend; but I cannot enter upon the general subject, without first offering my tribute of praise to the ability and industry manifested in the compilation of that Report. The Government feel that it is a document founded on deep and accurate research into the state of the colony, and must have occupied long and laborious consideration. While, however, I thus state my own sincere opinion of the merits of that Report, and admit the influence which the information it contains has naturally exercised over many of the deliberations of the Government on the subject of Canadian affairs, I must allude to a point which has produced general excitement, and on which I have the misfortune to differ from my Noble Friend, — I allude to the theory of responsible government laid down in the Report. I so far agree with my Noble Friend, as to think that nothing can be more advantageous than that harmony should exist between the Executive and the Legislative body, wherever established; but I concur with my colleagues in thinking that it is not possible to hit upon any device by which that principle can be applied in the way recommended in the Report. I have had some experience as a governor; and I must say I should have felt myself placed in an awkward situation, if, on the one hand, I had been responsible to the Government at home, while, on the other, I should have been able to act only by the advice of persons who were, themselves, responsible to another and conflicting authority. Under such a plan, too, the position of the Secretary of State would be very embarrassing, supposing he were called upon to send out instructions to the colonies in conformity with the opinion of Parliament, and, at the same time, to give orders to the Governors to attend to the opinion of another body, who, probably, might take a different view of the same question. If the principle laid down in the Report were adopted, there appear to be three modes of carrying it into effect. The first would be, to restore the old Assembly in Lower Canada, and with it the old French majority, — a plan which your Lordships will admit to be impracticable. Another mode would be, to establish a system of representation; but, by means of a juggle, to make it an unfair one, and favourable to the Government. This is a plan, too, which could not be successfully adopted. The third course would be, to effect a union of Lower Canada with some other province. But if such a union were to take place, it ought to be founded on fair principles, such as would meet with the general concurrence of all parties. At one time, the information received from Upper Canada went to create a belief that that province was willing to form a junction with the Lower province; but it subsequently turned out, that, on the meeting of the Assembly of Upper Canada, they coupled their assent to the union with conditions which would have deprived it of that fair character which it was indispensable to maintain. But, on the very day that my Noble Friend intended to propose that measure to the other House, a despatch arrived from Upper Canada, forwarding certain resolutions of the House of Assembly, which showed that considerable excitement existed there, and that they were not in a state peculiarly calculated to insure a fair consideration of any permanent measure. There was also received, at that time, from Sir George Arthur, an account that the excitement was not merely confined to the Legislative body, but that it extended throughout the province; and the Government, therefore, felt bound not to proceed in urging on Parliament to come to a decision on this question. When they had not any decided appearance of support, there, nor, on the other hand, much support here,—and when there was

not that degree of information to give them a right to press it on the public, — this was the course which, under the circumstances, they felt it necessary to adopt. But the Government was much taunted with this; and it was said (though, I believe, more jocularly than seriously), that there would be no legislation on the subject till 1842. That, however, was explained. There never was any intention to postpone legislation; on the contrary, it was thought, that if this Act were passed this year, it would be desirable, — as there would then be some interval for local consideration, and the social condition of Lower Canada might become such as to make it easy to amalgamate it with Upper Canada. We were also much taunted by some persons who cried out, "Settle the question!" But what settlement did they propose? Some thought there should be a restoration of the Assembly of Lower Canada; others were for the annexation of the Island of Montreal to Upper Canada; others endeavoured to persuade us to adopt some such form of a representative government as should not give a real *bonâ fide* representation; and others were for the theory of a distinct recognition of a form of responsible government. I will leave it, then, to your Lordships, to imagine what would have been the result of any attempt to settle the question. It might have led even to the rejection of the particular scheme now proposed. Under these peculiar circumstances of the very great conflict of individual opinion, of our extreme want of accurate information as to the state of feeling in Upper Canada, and of that feeling not appearing, now, to be such as was originally supposed, — it is thought no union can, at this moment, be proposed, with that fair prospect of success which it was once hoped it would have received; and for those reasons the Government have considered it better to withdraw that scheme for the permanent government of Upper Canada, and merely to call upon your Lordships to take measures for the temporary government by the provisions of this Bill, — which will go to correct the deficiencies of the former Acts, with respect to the daily concerns of the province, the investment of capital, the promotion of instruction, and other matters of the same kind. I will only say, in conclusion, that I hope your Lordships will give your favourable attention to this Bill, the object of which is, to make the social condition of Lower Canada such, that the population may participate in those advantages to which they are entitled under a representative government.

LORD BROUGHAM. — The part which I have taken in the various discussions as to the important province of Canada, must have led your Lordships to expect that a Bill of this nature, although recommended by the very temperate and judicious statement of the Noble Marquess, — temperate and judicious, as it was distinct, — could not pass even through its first substantial stage, without compelling me, however reluctantly, once more to press on your Lordships those constitutional views which I have before endeavoured to make acceptable to this House. But I stand, at present, in a situation materially different from that which I occupied, last Session, on this subject; and your Lordships will presently perceive, that not the slightest shadow of inconsistency could be supposed to exist in the conduct of this House, or of any individual Members of it, should they, when their situation, now, is so widely different from that of last Session, adopt some of the principal clauses of this Bill. This subject divides itself, according to the statement of the Noble Marquess, into two branches; — one is, the conduct of the Government, and the manner in which her Majesty's Ministers have dealt with the great question, from the beginning of the Session up to the present hour; and the next is, this particular measure, which has been the result, and the only result — the only fruit — of that long-continued deliberation on their part. I deem it absolutely necessary to advert to the first as well as to the second of these heads; not only because the Noble Marquess has spent no little time in stating the grounds on which he thought he could defend that conduct, — but, also, because I think, in my view of the question, that her Majesty's Ministers have not well and faithfully discharged their duty to the Crown, to the province, to the country, and to Parliament, by the course which they have chosen to take — and, when taken, to persevere in — with respect to this great question. Therefore, before coming to speak of the measure, it will be my bounden duty to bring before your Lordships what I take to be a grave charge against the Government, for the manner in which they have treated this subject. I do not wonder at the Noble Marquess being temperate in his statement, — at his wish — as in the outset of his speech he said it was — to avoid all unpleasant retrospect, to shun all controversial topics, and to eschew all matters that would give rise to charge and recrimination. Those who are in a situation similar to that of the Noble Marquess, wish to avoid such topics; those

who are likely to be charged, do not love to dwell on charges; those who expect recrimination, do not like to criminate. They who stand on their trial, as I will show your Lordships that the Queen's Ministers now do, are the last persons to court a retrospect. The subject of their trial is a retrospect of their own conduct. If, therefore, I say the speech of the Noble Marquess was as temperate as it was clear and judicious, I, of course, do not mean to ascribe the fact to any peculiar disinclination — in this only instance — to inaction, as the cause of that temperance. I, too, if I could, would confine myself to the measure before your Lordships; for God knows that measure is such, that, if it were to pass as it now stands, — but which I prophesy it cannot do, — I must have enough to do to grapple with it — little to do to overthrow the arguments in favour of it — but enough to do to state my feelings, and the multitude of ideas which pour in upon me respecting it. But I must first discuss that which is first in order of time; and that is, the treatment which this question, the province, the country, and Parliament have met with on the part of Ministers. Sensible — abundantly sensible — is the Noble Marquess, — most conscious are all his colleagues, — that their course of conduct stands in need of explanation, and requires some defence; but if they can defend it, after the dates, facts, and circumstances which can be brought in contrast before your Lordships, they are able men, — and, if they do it successfully, luckier men than I take them to be.

Last Session of Parliament was signalised by two leading and peculiar features. One of these was, the absolute failure of all the motions which I, from time to time, submitted to your Lordships, on behalf of the half-emancipated slaves in the colonies, and of our fellow men in the East Indies, whom we saw, as the result of a most impolitic concession to our fellow subjects in the West, being dragged into that hopeless slavery, by which the West has been so long humbled and disgraced. The failure of these efforts, on the one hand, the continual statement of grounds for Parliament's interposition, on the other, — the continual rejection of all those calls for interference, — the absolute refusal to make any attempt to stay the horrible slave traffic in Hill Coolies — (of the most deplorable results of which my Noble Friend opposite, a few days ago, gave some samples to your Lordships, in a statement which remains as yet uncontradicted), — the habitual and peremptory refusal of this House to interpose, — these were the points which constituted one great feature of the Session. But the other great feature was as successful, as acceptable, and was greeted with as much alacrity, as the first had failed, and had met with a peremptory rejection. This other was, — the affairs of Canada. It was asked to suspend the constitution — to put a stop to the representative government — to annul legislation on the spot by the representatives of the people — to thwart almost the unanimous desire, to cross the wishes, of the inhabitants of that province. It was asked to do so on the very grounds, that those inhabitants were almost unanimous in the feeling that your Lordships should not so treat them; and it was asked to create a dictatorship — to appoint an absolute dictator, in the place of the constitutional Government, which ran in a parallel with ours of King, Lords, and Commons. All those demands were granted; all those requests were favourably received; all that was asked was readily given. Your Lordships and Parliament refused nothing to the Crown. I presume that all this was done on the supposition that there was an overruling necessity to suspend the constitution, and to appoint an absolute Government in its place. Out of that necessity — out of that conduct — out of the measure by which that Government was substituted — arose another duty, which your Lordships never doubted you were called on to perform, and which you are, now, called on to perform — namely, to watch with a scrutinising eye the conduct of that Governor to whom you intrusted that authority. But there was another duty for the Ministers, — and that was, to lose not a moment in providing for the resumption of the government after that necessity had ceased to exist. Accordingly, the Government met Parliament in February, alive to that duty which I would call correlative to their own. There was the Speech from the throne, on the very first day of the Session, calling upon Parliament immediately to direct its attention — to exercise its wisdom — in the serious consideration of that important question. But months passed away. The Noble Marquess says it was not till June that any desire was expressed, on the part of Canada, to interfere with the regular course of the Government's providing for the wants of the colony; and I have said that it was by dates, contrasted with the conduct of the Government, that I should substantiate my charge. It was in June when first anything crossed the Atlantic, to alter, interrupt, modify, or vary the course they were pursuing: but what was done in the intervening months? Where was February? Had March fallen out of the calendar? Had April ceased to

exist? Had May no longer tormented the phthisical patient?

All these months passed away without one vestige of excuse for inaction, until something crossed the Atlantic in June. Not one single step was taken, during the whole of that time, to redeem the virtual pledge which was given by the Government when they announced that recommendation in February, and to which the Houses of Parliament answered in an echo of the Speech from the throne. On the 3d of May came a message from the Crown, calling upon Parliament, without delay, to apply themselves to the subject of Canada. Then it was, I suppose, that this measure must have been in contemplation, that the Government considered the question, and that they saw their way; for I never before heard, in any system of vacillation, of such a case as this, — that the Government should make the Crown call on Parliament to legislate, unless her Majesty's Ministers did see their way, and were prepared with a measure, following up that call. I therefore conclude that, on the 3d of May, the measure for remodelling the constitution of Canada was considered and discussed, and licked into shape by the Government. I cannot recede from that assumption, and nothing but a statement which was almost incredible could make me believe the contrary; because, if, on the first day of the Session, Ministers told Parliament, by the Speech from the throne, that they must attend to the affairs of Canada,—if they did nothing in the legislative way during the whole of February, March, and of April, when the Easter recess commenced, — I take it for granted they must have attended to this subject, when they made it one of the most prominent paragraphs in the Speech from the throne. Every one, at the time, knew the state of Canadian affairs; it was a subject every one was discussing. The Message from the Crown was sent down on the 3d of May; but, previous to that time, my Noble Friend had laid before the country and before Parliament a Report, showing great ability and great research; and if my Noble Friend was not very successful, — though some may differ, even on that point,—it, at least, proves that he was very assiduous, very able and skilful, and paid great attention to the details, as well as to the principles which were to be acted upon in dealing with this question. That Report was laid before Parliament on the 3d of May. You may differ from that Report; but it cannot be denied, that it did occupy your Lordships' attention, — and, still more, that of the public. I will venture to assert, with as much confidence of the fact as if I had been present in the cabinets of the several members of the Government, that Ministers, before the month of February, — that is, before the opening, — read and sifted the whole of that Report, so as almost to have it by heart; — nay, that this intimate knowledge of the question was not confined to Ministers themselves, but that even the subordinates of Government were minutely acquainted with it. That this is the fact, I shall continue to believe, until I hear the contrary distinctly asserted by some member of the Government. Well, on the 3d of May, a communication was made to your Lordships from the Crown, on the subject of Canada; and an Address was agreed to, in answer, pledging the House to take into immediate consideration any matter which might be referred to them. This being so, one would think that, out of respect to the Crown,— that out of respect to your Lordships, — out of regard to the subject itself, — Ministers would not have allowed many days to elapse before they had brought under the notice of the House that matter which it had thus pledged itself to consider. What, then, became of May? No notice, no indication was there of bringing forward any measure in reference to the communication from the Crown; and the House were left to stare, and look vacant, and desirous of filling up the blank thus made, — remembering the Message, and the Address they had voted in answer, — and quite ready to consider whatever might be submitted to them. On this 3d of May, it was to be supposed that a correlative Message would be sent to the other House, — and so it was; but, on searching the books of notices in that House, I find that no notice whatever was taken of it, beyond that which your Lordships took, — namely, your agreeing to an Address to her Majesty, assuring her Majesty of your readiness to consider any measure that might be submitted to you. I am not a man to stand on etiquette,—I am less so, perhaps, than many of your Lordships, — but I will say — and I say it as a matter of complaint — that that was the first time I ever knew of a Message from the Sovereign being received at the bar of both Houses of Parliament, of the subject of which no notice was subsequently taken, beyond the Address (of course) in answer. I would not stand much upon the mere question of form, if the substance had been preserved; but, here, not only the substance, but the common sense, and even the form, were absent. But, at last, some measures were presented, which, I will say, without

fear of contradiction, were the most singular, extraordinary, and unprecedented anomalies in the history of legislation. The measure, or measures, being divided into two Bills,—one of them, it was said, would be pressed, and the other not pressed, in this Session; and, for a time, there was much doubt whether Government would proceed with either; but, at last, it seemed to be determined to go on with one Bill, and that the other, after a certain stage, was to stop, and be put to sleep—to lie buried—until—no man knew what Session. Now, it was against these dates that the Noble Marquess gave his explanation of the accounts which had reached this country from Upper Canada, and which had interfered with the, till then, "intended measures of Government." The reason of the Noble Marquess for suspending or allowing the Bills to lie over, was, the proceedings which took place in the province of Upper Canada. It certainly is extraordinary that the Legislature of the mother country should have stayed its proceedings in consequence of some circumstances which had occurred in one of its colonies; but it is still more singular, and more extraordinary, that this should have been done in the year after the same Legislature had consented to abolish the constitution of both Canadas, against the unanimous feelings of the inhabitants of each province. In one year, the Government proceeds with the abolition of the constitution in both provinces; and yet, in the next, it stays its hand, in consequence of some excitement in Upper Canada—by far the less important province of the two. In the one case, in 1838, the feelings of both provinces are disregarded; and, in 1839, the moment it is known that some discontent exists in the Upper, and by far the less important province, the measure intended for uniting the two is suspended.

This is the sum and substance of the defence set up by the Noble Marquess; and what is this conduct of the Legislature of Upper Canada? On one day it passes a vote in favour of the union of the two provinces, and on the next it annexes to that assent certain conditions which it is impossible can be complied with. This is the great, the all-inexplicable conduct of Government; but it sometimes happens that very slight circumstances tend to throw light upon, and explain, what would otherwise remain involved in mystery. Like the postscript of a lady's letter, a few lines often say more of what she meant to convey, than the previous sheets which her fair hand had traced. There were, then, some little circumstances which occurred about the time to which I refer, but which certainly form no part of the *substratum* of my doubt as to the conduct of Government? But what would your Lordships think of the withdrawing the confidence of one House of Parliament from a Government which had never enjoyed that of the other? What, if this withdrawal arose from the conduct of the Government in the mother country, in legislating for a colony against its wish? What, if the loss of the Jamaica Bill made it prudent for the Government not to risk the loss of another Colonial Bill? About the time to which I have adverted,—I will not say exactly at that time,—a light broke in, the clouds were dispersed, the heavens were opened, and things were made plain and clear, which were before involved in doubt and darkness. The Ministers said, naturally enough, "We have had enough of this; one Colonial Bill is sufficient for one year; let the other rest over till the next Session." They carried a measure of coercion thus far; but, being now straitened and in difficulties, they call on Parliament to help them to put off the evil day, waiting for the events which might turn up in another year. I would ask them, for what consummation do they hope from doing anything, after doing nothing from the 5th of February to the 5th of May,—and worse than nothing afterwards? What consummation in the womb of futurity are your Lordships to wait for until you redeem the pledge given in the Address in answer to the Message from the Crown on the 5th of May? If the Noble Marquess can hope for any circumstances arising out of the change of events, before the next Session, I can easily make allowance for the delay; but your Lordships are told to wait for an indefinite time—not until the influence of corruption shall have changed a minority into a majority—not until a new election may chance to strengthen the Government—not until the Legislatures of the Canadas may alter their opinions as to our recent measures—nothing of all this are your Lordships told to hope for; but you are required to wait until capital shall flow into our colonies, to give a stimulus and direction to the industry of their inhabitants—until the effects of teaching and preaching shall have produced good results. Your Lordships are told to wait until the soothing effects of—what do your Lordships think?—until the soothing effects of the lapse of time shall enable you to hope that, at some distant period, the social condition of the Canadas, particularly of the Upper and less important province,

shall be greatly improved. This is the budget of the hopes and expectations on which the Noble Marquess founds his call on your Lordships to concur with him. I charge the Government with having abandoned the Canada question — with not having enabled the House to redeem the pledge it gave in answer to the Royal Message of the 3d of May, — and not only with having committed this *laches*, but with having abandoned and abdicated its duty as a Government. I say that, though it may have retained the outward form and show of Government — though it may have shared its emoluments and dispensed its patronage, still that a Government it is not. It has abandoned its duty; for, after the fate of the Jamaica Bill, and the bed-chamber intrigue, which restored to it the confidence of the country, it feels that, if it attempt another Colonial Coercion Bill, it may again fail, and a second abandonment of office may ensue. This is the small point — this is the little parenthesis, the slight sketch, which the Noble Marquess has drawn, and which I will leave your Lordships to fill up.

I now come to consider the Bill before your Lordships. In its present form, at all events, I cannot assent to it. Let your Lordships just consider what the motion is. It, in some measure, alters the constitution of the Council, by enlarging its *minimum*. It is much better to have a Council of 20, than to have one which need not consist of more than 5; though the Noble Marquess is not quite correct in his description of a former Bill: the Council, by that Bill, was unlimited; it might be just as well a Council of 20, or of 200, as a Council of 5. The motion does not, in the smallest degree, enlarge the power of the Government; the Government may have as many in council as they please, because this measure only gives them a *minimum* of 20, where before they might have had a *minimum* of 5. The only difference in the first part of the measure is, there must always, now, be 11 present, instead of 5, when any legislative Act is done.

But then comes the next point — and I entreat the attention of your Lordships to this. I am sure I need not appeal in vain for succour to your Lordships, in aid of a constitutional principle seriously endangered. I even doubt whether the framers of this measure have, themselves, clearly perceived the bearing and the extent of the part of the Bill which I now approach. By the former measure, under which my Noble Friend exercised the government of Canada, the Government and Council had the legislative power of the whole Canada Assembly; but they could only make such laws, with one or two exceptions, as should expire during the period of their own existence, which was limited to the 1st of November, 1842; consequently, it was enacted, that no law should be made by my Noble Friend the Governor in council, which should have a longer continuance than the period of his dictatorship. Most properly and consistently, and very judiciously, the dictatorial power was only to go to make laws which should last as long as the dictatorial power itself. This was a very obvious and proper course, because, after the November following, the Governor and the Assembly would be restored to the province. After November, 1840, there would be an end of the absolute power conferred for necessary causes; but 42 was added, in order that there should be a complete restoration of the Government; but after November, 1842, all these Acts made by the Governor in council must of necessity expire, and could only continue by being re-enacted by the constitution of the province, or by the supreme authority of the mother country. Nothing could be sounder in principle, or more consistent. But what does this Bill do? It enables the Governor in council,— that is to say, a Governor nominated by the Crown — at the pleasure of the Crown — to move under the Crown, with the advice and consent of 11 persons whom the Crown may name,— to make laws which shall last for ever. But then, it is said, they will not last for ever, unless the Legislature of the colony or of the mother country choose that they shall last; because they may repeal them. They may repeal them — but how? By the consent of the Crown. — I say that, for the Crown may withhold its consent. By the consent of the Council. — I say that, because the Council may choose to withhold its consent. By the assent of the popular Assembly; — but not without it. Now, suppose a law to pass by the Governor in council, — that is to say, by the Crown,—which law should press sorely on the American subject; — suppose that that law should give absolute power to the Crown, over life and death, without trial. As the law now stands, that law must expire in 1842, — and no great ill can happen. But the present Bill proposes to continue those functions for ever, unless the Crown shall consent to repeal that power which it shall have so obtained. So that if the Crown have, by means of its servants, grasped at absolute power for three years, the Crown retains that power, unless all the authorities before named should agree to repeal that Act. But that is not the only case. Suppose a Bill should have passed of a

contrary nature,—suppose an Act had been passed by the Governor in council, the most odious to the opinions of your Lordships, giving universal suffrage, annual Parliaments, and vote by ballot; — suppose that such an Act had passed; — as the law now stands, it will expire in November, 1842; but as the law is proposed to be made, with extended powers, that Act must continue for ever, until the Assembly of Canada choose to concur with the Crown and Council in its repeal. It may be said that the legislative franchise is exempt from the jurisdiction of the Canada Assembly; and, therefore, that the Governor in council cannot pass a law to that effect. I have very great doubts, indeed, as to that point. There are one or two considerations that raise a grave case of doubt; and I defy your Lordships to legislate in so important a matter, where grave doubts hang over the jurisdiction. My first ground of doubt is this,—that in the Act of 1791 there is no express clause limiting the power of the Canadian Legislature; but three or four words are introduced in a paragraph, by no means of a very accurate construction, to this effect, — "shall have the power to make such laws" (meaning all laws for the government of the province), "not being repugnant to this Act." Not such laws, not being repugnant to any of the provisions, or details, or enactments of this Act,—not such laws, not being of a kind inconsistent with or contrary to this Act,—but "such laws, not being repugnant to this Act." This leaves a wide margin, within which the Governor and Council can alter the legislation with respect to the rights of the Crown, and the rights of the people of Canada.

On this, and other grounds, I hold it to be perfectly clear that your Lordships cannot give this power sought to be conferred by this second section, unless you are prepared for any change,—whether towards popular rights or against them, or whether in favour of the absolute power of the Crown, or absolute dominion of the democracy,— unless you are prepared to allow such Acts to be passed, next year, by the Governor in council, without the possibility of their being repealed, — unless you can get the consent of the Lower House of the people of Canada, or of the representatives of the people of England. There is nothing in the Act, to prevent annual Parliaments being established. How will your Lordships like that? That were a measure hardly to your tastes! There is nothing whatever to prevent the Governor in council establishing annual Parliaments, which can never be abolished till the annual Parliament so called into existence shall repeal that law. There is nothing to prevent the Ballot being passed by the Governor in council. There may be friends of the Ballot in the Cabinet here. The Cabinet allows the Ballot to be an open question in the mother country, for the purpose of repressing it; with a view of causing it to be rejected, it throws its own great weight into the scale, and lends its aid to the Ballot. The Government modestly asserts, that the more it is for the Ballot, the less chance that has of ever being supported by any but themselves, and the greater probability there is of its being rejected of all men, the instant they hug it to their bosom! That very Government may, by way of set-off for having done the Ballot so much good in this country, make it an open question, there, to prevent its being carried; or, to satisfy the men of Manchester, they may throw overboard the sort of argument of making the Ballot an open question, — and, taking the manly, plain, straightforward course, say, "We are for the Ballot,"—or, rather, "We wish to curry favour with those who like it, and we will lend our little feeble aid to it; we won't say we are for it, or against it,— we are neutral." What is there to prevent them saying, "We cannot quite give you the Ballot, yet, in England; but we can try it as an experiment in Canada; *experimentum in corpore vili*— you may experiment upon it there." Out might come an Order in Council for what your Lordships would call "inflicting" on Canada the vote by ballot. Those returned by the ballot as an Assembly, would never repeal it, and the mother country would never get the House of Commons to repeal it, and so the measure would become perpetual; and I am not sure that it would not then be forced on us here.

These are the consequences of this measure which is now brought forward: it combines in itself the extremes of every bad government; it combines the power, at least, of enacting dictatorial laws, by a dictatorial and absolute authority, which are to survive the existence of that absolute power, and to survive, of course, the extraordinary necessity, — that extraordinary necessity, which, setting itself above all laws, dictates with a voice which cannot be resisted, and which to hear, is to obey. But the present measure perpetuates the growth of a tyranny beyond the term to which the tyranny has reached — the natural term, — the term prompted and measured by the necessity, which is its only justification. The Crown may find itself endowed with powers frightful for the people to contemplate; the people may find themselves endued with

a power of mischief, and a principle of anarchy may be incorporated into the constitution, terrible for those who love order and good government to think of. Even the Romans — the most ignorant of true liberty of any people in ancient or modern times, who only knew the name of it to carry it to excess — gave no dictator the power of legislative functions;—they gave him the sword, and the power of life and death; — but the instant the sword was returned into its scabbard, that instant the memory of the dictator and his acts was consigned to oblivion. But you, who are a legitimate Parliament, — you, who form a branch of a constitutional Government, — you, who form one estate of a constitution which has grown up, not in military, but in civil times, — you, a part of that British constitution, which has long held out a model to which all other people look up in their attempts — vain and frivolous attempts, as, for the most part, they have turned out — to imitate it, — you are now called upon to give your sanction to a new species of dictatorship, not even known to ancient Rome itself, the head of which is to be invested with a power to perpetuate, if he so please, his own office, by continuing its functions when the necessity which created that office shall have ceased to exist. Where shall we look for the reason of this? To those who are the supporters of popular rights, the opposers of arbitrary power, — of whom it has been wittily said, by a lady, that they love freedom and tolerate kingly power, while their opponents (the Tories) tolerate freedom and love arbitrary power, — who debated weeks and months, on one occasion, about the meaning of the word "abdicated;" (which, however, has become, perhaps, better known of late!) Yes, it is the authors of this Bill who now make the grand invasion on popular rights; it is they who promote the attacks on constitutions; it is they who unchain the blasts that now blow against popular freedom. But to your Lordships I appeal — and I know I shall not appeal in vain — to abate and prevent this inroad on constitutional rights, — this attempt at the destruction of popular government, — compared to which the Bill of last year rises into the character of a constitutional measure. But it is said that the public works in Canada require, for their prosecution, a loan of public money, and that such loan cannot be granted without the powers of taxation for that purpose conferred by the third clause of this Bill. On this point I say, "Raise the money by loan, by a legislative measure, if you will, — and let the loan have a perpetual security, if you choose; but, then, let the constitution remain safe and unimpaired."

While on this subject of taxation, I must be permitted to remark, that this is the second time, and the second time only, that an appeal has been made to us to break the pledge which the British Parliament so solemnly gave to the colonies at the end of the American war, in renunciation of all right of taxation over those colonies. I am against taxation by the mother country in any shape; and sooner than make a second departure from the grand principle laid down in 1778, I would infinitely rather that the money for these "public works and objects connected with Government" were found in England, and lent to Canada till such time as the constitutional Government of Canada might be restored. I need only make one more remark. The Noble Marquess has stated that there are three modes of dealing with this question. The first is, to restore the constitution immediately; the second, to proceed with a Bill to mould a new constitution on the basis of a union of the two provinces; the third and last, — the measure before the House, — which is the only one which can be carried. But am I to be told that the necessity to suspend the constitution of Canada still continues, although everything in that province is quiet, and has been quiet for months past? I was very much cheered, last night, by my Noble Friends near me, when I said that the 6 to 1 proportion of the Catholic to the Protestant population of Ireland was not a reason why your Lordships should legislate for one of those parts only, and that you must take that country as you found it; but if that argument be good for Ireland, it is good for Canada also. Why should you attempt to legislate for Canada in a spirit in which, you admit, it would be wrong to legislate for Ireland? You never can hope to have an English majority in Lower Canada. Ay — that is the real root and source of all the difficulties which the Government have to complain of; and those difficulties, in my opinion, will be just as great, next Session, or in 1842, as they are at present, notwithstanding, even, that your Lordships should pass this Bill, now. My advice to your Lordships, then, — alone, or nearly so, as I know I shall stand, — is this: — "Don't suffer the constitution of Canada to remain one moment longer in suspension; but, if you must pass the Bill, for the purpose of supporting her Majesty's Government in that abandonment of their duties as a Government, of which they have been guilty, take care to pass it in such a

shape as I have ventured to suggest, and you will secure for yourselves the veneration of all classes of the people of Canada,— as well as of those, in this country, who are favourable to the just rights of the Crown, the liberties of the people, and the safety of the state and constitution.

VISCOUNT MELBOURNE. — My Lords, my Noble and Learned Friend's speech has naturally arranged itself into two divisions. The first part comprised his attacks upon the conduct of the Government; the second treated of this important measure. In referring to the conduct of Government from the beginning of the Session, my Noble and Learned Friend has adopted exactly the same line which was taken by the Noble and Learned Lord opposite (Lord Lyndhurst), last night, — by going through the history of the Session, giving the dates at which any steps were taken in advancing the measure, dwelling on the periods which elapsed between those several steps, and from those dates and those intervals inferring that the Government have been guilty of great delay, and charging them with having abdicated their functions, and shrunk from the proper exercise of their ministerial duties. But I beg to say that this is not a fair way of putting the case; — that, though it is possible to place these topics in striking lights, and to dwell on this length of time and this appearance of delay, and hence to infer that those who have had the conduct of this measure must have been guilty of those delinquencies with which they have been charged — still, I repeat, this is not a fair way of putting the case. I contend that it is necessary, for obtaining a clear and fair view of the matter, to take into consideration the whole events of the Session,—that it is necessary to state the measures which have intervened, — that it is necessary, also, to state those which have been postponed. With all these considerations left out of view, it is not fair to infer that the Government have been guilty of neglect, supineness, and delay, and all those faults which have been so vigorously charged upon them, both on this occasion and last night. However, I think my Noble and Learned Friend has thrown away much energy and eloquence in proving that which nobody denies, — namely, that it was the intention and the feeling of Government, at the beginning of the Session, to proceed, as soon as possible, to legislate for Canada. That is undeniable; but information has since reached them — grounds have since been laid — for changing that determination. That is perfectly clear. But the fact is, my Noble and Learned Friend might have found much better grounds for his assertion than he has taken; because I believe that I, in this House, and my Noble Friend in the other, stated, soon after Parliament met, that Government contemplated passing some measure of legislation for Canada before the end of the Session, — that such, unquestionably, was their anxious desire, — that they thought many advantages presented themselves for such a purpose at that time, — and that they were anxious to carry their measure before the end of the Session. It was clear, that it was very desirable to frame such a measure as would heal the wounds of Canada, and bring to a conclusion the existing dissensions; and I entirely agree with my Noble and Learned Friend, that it was the duty of her Majesty's Government to make the cessation of the Government in Canada as short as possible; and to re-establish, as speedily as possible, that representative constitution, without which, or something like it, I readily admit that — looking at the state of things in that country, and the nature of its society — it will be quite impossible ever to establish peace, prosperity, and happiness, and attachment to the mother country. But we must take care that we adopt our measures for the purpose of re-establishing the constitution wisely and prudently, and with due regard to all the information which we have; and though I admit the necessity of a speedy settlement in the constitution, I would not sacrifice to that necessity, matters of still greater importance, — namely, the object that the settlement should be real, satisfactory, and conclusive. But my Noble and Learned Friend asks, — "Are you to stop legislating, because the Assembly of Upper Canada does not approve of the measures you propose? and are you to refuse, on this ground, to legislate, in the very next year after you have set at nought the wishes of all the people of Lower Canada? I reply, that we do not set at nought the wishes of all the people of Lower Canada; on the contrary, we act in unison with the wishes of a great part of the people of that part who have always shown attachment to this country. Those whom, in fact, we set at nought, are those who rebelled against this country. Surely it is a strong reason for condemning the conduct of the Government, to say that they pay that attention to the feeling of the loyal and patriotic part of the people, which my Noble and Learned Friend would have us pay to the disaffected and rebellious! I quite admit that it would have been better that we should have legislated for the re-establishment of

the representative constitution in this Session; but it is better that we should delay, than precipitate measures, and do that which would be unsatisfactory, and which would not terminate the calamities which have afflicted Canada. My Noble and Learned Friend says that the disapprobation of the colonies is a strange reason for stopping legislation; — but this, at least, is not a strange reason, nor a bad one, for stopping legislation, — that the course your Lordships are about to pursue turns out to be not satisfactory to the colonists, themselves. In my mind, this is an imperative reason for taking more time for consideration. You must have in those colonies, as the Noble Marquess has observed, a representative Government; now, in order to establish a representative Government, and if you will establish a House of Assembly, I do not see how you can proceed in any other way than by a union of the provinces. But, when the measure for that object shall come before your Lordships, then the terms and conditions on which you will so proceed may be settled. It would be mere madness to impose on these colonies a union upon terms and conditions which there might be reason to suppose, at the time, would not be acceptable, and would not, ultimately, be approved by their inhabitants.

Seeing that such great difficulties impede the adoption of the only plan proposed, I conclude that the rational and prudent course left is, to take some time to consider the circumstances of the case, and to see, whether, by any means, you can reconcile the colonies to the adoption of the plan. I do say that, so far from Ministers having incurred any blame on account of the delay which has taken place, they would have acted most rashly and most imprudently in taking any other course; and it is, in my opinion, most fortunate that they did not, at the beginning of the Session, hurry on this measure, and so bring it to a settlement, — which, possibly, would have been, itself, only a beginning of new difficulties, new troubles, and new discontents. The Noble and Learned Lord exhausted himself in a lavish display of that power of observation which so greatly distinguishes him, applied to the speech of my Noble Friend who brought the measure under your Lordships' consideration, as if my Noble Friend had said that your Lordships should await the lapse of time, the progress of improvement, the influx of capital into the colony, the spread of religion, and the efforts of education. But my Noble Friend meant nothing of that kind; he only meant what I, myself, mean, — that from the state of opinion which appears to prevail in the colony, and the difficulties that might be apprehended as likely to follow the passing of the measure at present, Ministers are not, now, prepared to recommend it to Parliament; and that, allowing for all the disadvantages of delay, — for delays, I know, are always attended with disadvantages, — it were better not to precipitate the Bill at this conjuncture. It is entirely to these motives, I declare, — and not to motives connected with any domestic affairs, or with internal considerations, such as those to which my Noble and Learned Friend has thought proper to advert, — that this change of opinion is to be ascribed. I suppose, however, that your Lordships would not give me credit for the asseveration, if I were to make it, and therefore I will not trouble myself to state to your Lordships that which you might possibly disbelieve; but I can assure my Noble and Learned Friend, that he is perfectly mistaken in attributing to the causes specified by him the change in the determination of Ministers. So much for the course which the Government have taken. I do not feel at all pressed or affected by the argument of my Noble and Learned Friend; and I am confident that the Government have acted with the greatest prudence on this question. Although my Noble and Learned Friend did not state that he intended to offer any opposition to the motion for going into committee, he expressed much indignation at that clause of the Bill which enacts that laws made by the Governor and Council shall be permanent, instead of having, as was provided in the last Bill, a limit assigned to their duration. Now, in the first place, I do not exactly admit that it is a necessary principle of law or government, that Acts — passed by a Government, of an arbitrary or unconstitutional character — should, therefore, be invalid. I apprehend that, in the history of all nations, there are to be found many laws proceeding from authorities of very doubtful legality, yet, in themselves, of no doubtful benefit. But the reason of the provision has been very distinctly stated by my Noble Friend who proposed the Bill. My Noble Friend has told your Lordships, that those Bills which have been made necessary by the suspension of the constitution of Canada must be passed; and that, in order to create confidence, and establish a sufficient security for the loan of money, the Bills must be permanent. My Noble and Learned Friend admits this necessity; but, then, he says that Bills of the most violent and extravagant kind might be passed by the Council,

—Bills establishing a despotism on the one hand, or leading to anarchy on the other. My Noble Friend tries to alarm your Lordships by visions of Bills obnoxious to your peculiar opinions, —Bills for annual Parliaments, vote by ballot, and universal suffrage,—thinking, perhaps, that he touches your Lordships on "the raw" part, there. I certainly do not feel that there was any compliment implied to your Lordships in that attempt of his; it showed no great civility to you, on his part; it was no great testimony to the firmness of your understanding, or your freedom from superstitious fears. I am sure your Lordships will consider the clauses only as they stand in the Bill, and not suffer yourselves to be deceived by such vain figments of my Noble and Learned Friend's warm imagination. There seems to be no reasonable ground for apprehension that a Governor sent from this country to Canada, and a Council selected by himself, would pass such wild measures, and inflict on the colony those tremendous ills which your Lordships are called on to dread as likely to result to this country from democratic sway. Besides;—before these Bills are passed into laws, your Lordships will have thirty days to consider them.

As to what my Noble and Learned Friend has said,—that there is no security that either the Legislature of Canada, or the Parliament of the empire will ever repeal a bad law, —that is no more than saying that he has no confidence in the constitution of the country; no confidence in its authorities; and that, if any absurd or extravagant thing be done, he believes there will be neither prudence, sense, nor discretion enough to remedy it. Without meaning any offence to my Noble Friend, I must say that he deals, frequently, in a little exaggeration; but, on this occasion, he has out-heroded Herod, —and out-exaggerated himself, —beyond everything that it is possible to conceive, in the way of conjuring up vain fears of a magnitude infinitely greater than can ever be realised. With respect to the observation of my Noble and Learned Friend, that her Majesty's Ministers received, with great approbation, his arguments relating to Ireland, but not with the same degree of approbation those which referred to Canada, —I do not admit its justice; but, at the same time, I fully agree that, in both countries, great difficulties encounter our efforts, arising from the nature of the population. The Noble and Learned Lord will recollect that I should, unquestionably, have dealt with Canada exactly as I now am dealing with Ireland, supposing that the respective circumstances, situation, and conduct of the two countries had been the same. The difference is, that the Irish population have been always a loyal population. I believe the Noble and Learned Lord opposite (Lord Lyndhurst) is of a different opinion; but I consider her Majesty's Roman Catholic subjects to be as warmly attached to her Majesty, and as loyal to the Crown, as any other class of the community. The Noble and Learned Lord opposite, I know, considers them as aliens in blood and disposition. That is the Noble and Learned Lord's declaration. There is a boundary between him, and that body of her Majesty's subjects, which cannot be overstepped; and that, unquestionably, accounts for the different manner in which the Noble and Learned Lord views these subjects; but I think that the main difference between Canada and Ireland is, that Ireland has been loyal, and Canada, unfortunately, has been rebellious, —and, I much fear, may still persevere in that rebellion.

The DUKE of WELLINGTON.—I do not think it necessary to follow the Noble Viscount in his observations on the speech made by my Noble and Learned Friend (Lord Lyndhurst), last night, upon the Irish Corporations Bill; or to compare the delay which took place before that Bill was brought before Parliament, with the delay attributed to the Government by the Noble and Learned Lord opposite upon the Canadian question. For my own part, I have never felt the smallest surprise at the delay that has intervened in introducing such a measure for the settlement of Canadian affairs, as that which was recommended in the Speech from the throne, and, afterwards, in a Message from the Queen; and, actually, at length, proposed to, and printed by, the other House of Parliament. I confess I never was so surprised in my life as when I heard the Message of the 3d of May delivered to this House; and I should certainly have stated some objections to the Address moved, a few days afterwards, by the Noble Viscount, in answer to that Message, if I had not received intelligence, on the day before the Address was moved, of certain proceedings in the Legislative Assembly of Upper Canada, which announced the desire of the Legislature of that province to see carried into effect a union between the two provinces. I did not, myself, mean to make any objection to a measure which seemed to be wished for by the Legislature of the one province, and

might, probably, be so in the other; because I thought it would be right to return a cautious answer to the Message from the Throne. I therefore, certainly, did not state my reasons for thinking that the question was not then ripe for decision. It is my opinion, however, that the question was not ripe for decision at the commencement of the Session, — that it was not ripe for decision on the 3d of May, — that it was not ripe for decision on the 20th of June, when a Noble Lord postponed the Bills in the other House of Parliament, — and I am convinced that it is not ripe for decision at this moment. It was on that ground that I gave my consent to the second reading of the Bill, and that I now give my consent to going into committee upon it. My opinion is, that, before your Lordships can effect what is called "a settlement" of the affairs of Upper and Lower Canada, you must first establish peace and security within those provinces. But you did not establish peace and obedience to authority in those provinces on the first day of the Session, — you did not do so on the 3d of May, — you did not do so on the 20th of June, — you do not do so, now. This is the misfortune of the measure before us.

The province of Lower Canada, as has been stated by the Noble Viscount in the last sentence of his speech, is in a state of rebellion at this moment, and the Queen's authority is not obeyed there. The Queen cannot give protection, at this moment, to her loyal subjects within the province of Lower Canada. I say, therefore, your Lordships are not in a situation to take any other measure, except to do the best you can for the government of the province by employing some legal means, in addition to the military force, there; because, in point of fact, you have not yet established legal authority. This is the difference between the condition of Canada and that of Ireland. In Ireland, the Queen's authority is obeyed, — I wish I could say it is perfectly obeyed, — but, however, the Queen's authority and the laws are, more or less, obeyed, and, upon the whole, there is so much of obedience that you can pass efficient laws for the government of Ireland; but you cannot make laws for the government of Lower Canada, because you have not yet established the Queen's authority there. The reason why you have not done so, I have already stated so often that I am almost ashamed to advert to it again. You have never set about your operations in that country, with a view so to establish the Queen's authority, as if you intended to carry your measures into execution. You did not, in the first instance, — as I have more than once reminded you, — advise the Queen to declare her intention to maintain her sovereignty and authority within the province; you have attempted to carry on your operations there with a reduced peace establishment; and the consequence is, that neither neighbouring powers, nor the world at large, believe that you are in earnest in the measures you are pursuing, or that you will attain the objects you profess to have in view. Hence it results that, after two campaigns, after almost two years of warfare, you are placed nearly in the same situation as when you commenced. There is a description of warfare carried on along the whole frontier, between the United States and her Majesty's dominions, from the side of the United States. There is not one of her Majesty's subjects on that line, who is not in a constant state of alarm; and the war is proceeding exactly in the condition in which it was at its commencement in November, 1837. When the seasons come round, when, owing to the state of the weather, there will be greater facilities for activity and locomotion, your Lordships will hear of the same outrages and disasters which you heard of in the course of the last year; and so things must continue until this country shall show, by the measures it adopts in this and the other House of Parliament, its firm determination to establish the sovereignty and maintain the rights of the Crown, in that part of the world.

My Lords, I have said, frequently, that you cannot carry on two wars, — one in Asia and one in America, — and military operations, besides, in different parts of the world, — upon a reduced peace establishment. In consequence of attempting to do this, you are not only starving your war service, but you are starving your peace service also. In consequence of your want of force, then, not only are you not able to undertake the measures, for the delay of which the Noble and Learned Lord reproaches your Lordships, but you are not able to preserve the peace of the country anywhere. The army, now, is more than 10,000 men under its proper number, even, for the home service; and every description of measures must now be resorted to, in order to preserve peace, because an impracticable attempt — an attempt which cannot succeed — has been made to carry on the war with a peace establishment. Your Lordships are trying, with a reduced peace establishment, to carry on warlike operations in different parts of the world at the same time; and

the consequence is, that the peace service is starved as well as the war service. It is very well known that, in the course of the last winter, the country had to sustain an insult, such, as I believe, was never suffered by this country on any former occasion,—nor, I believe, by any country whatever from another,—and it was upon the very frontier of one of these colonies;—a colony, being in connection with Canada, was taken from her Majesty's government and safe keeping. A territory, the dominion of which is in question between the United States and her Majesty, has been seized by the State of Maine; and I am not sure that it is not now in its possession. I hear, also, that several other inroads are threatened; and again I tell Noble Lords, that I know that it has been the practice, ever since the French Revolution, to announce operations of this kind beforehand. The advantage of announcing them, the advantage of threats, is this;—threats occasion terror,—and terror is the great means, and the greatest means, of bringing about execution. I venture to predict that this very inroad, which is now threatened from the State of Maine, will be made upon the first occasion; and, I will answer for it, there is not, within the British provinces, the means of resisting the attack,—because all the troops—the peace service of the provinces being necessarily neglected into the bargain—are employed in Canada; and there, they are not sufficient to give protection to her Majesty's peaceable and loyal subjects. They cannot maintain her Majesty's government, and her government is, therefore despised—her authority no longer exists; and it is absolutely impossible for your Lordships to attempt any settlement whatever—I do not care what it may be—of this question, either now, or a year hence, until you shall have been enabled to effect a settlement of Canada, and the establishment of her Majesty's government, by force, in that colony.

The Noble and Learned Lord has stated certain objections to the details of this Bill. He voted for the measure brought in by the Government at the commencement of last year, and, on the same principle that he did so, he is disposed to vote for this Bill. The Noble and Learned Lord has announced his intention to propose certain amendments to the Bill in committee. It will then be for your Lordships to consider those amendments, and to hear what objections will be made to them: you will see whether it is fitting that they should be introduced into the Bill, or not. I earnestly recommend your Lordships not to be in a hurry to make alterations in the Bill, unless you shall see an absolute necessity for them; but to leave to the Government the responsibility which belongs to them, for this and for any other measure they may think proper to introduce in order to bring these matters to a conclusion. But, once more, I will tell the Government, that, unless they set to work clearly and seriously to establish the authority of her Majesty in North America, they may rely upon it that all they are doing is only throwing money away, and tormenting themselves and the country for no reason and no use whatever; that they must first begin by declaring their intention to establish her Majesty's government, and to form a fleet and army accordingly; and until they do that, they will do nothing at all. I think I have now gone through the whole question, or, at least, as far as it is necessary for me to go on the present occasion. I am perfectly aware that, besides her Majesty's regular troops employed in this colony, there is a large body of volunteers and militia formed from among the people of both provinces, but particularly of Upper Canada; and I must say that I cannot sufficiently applaud the spirit with which those men have come forward in her Majesty's service. The labours and privations which they have undergone, in support of the rights of her Majesty and of the laws of the mother country, have been very great; and I do think that it would ill become this country, under any circumstances, to abandon such men,—to leave them to their fate,—or to do otherwise, by them, than make every effort which it may be in the power of this country to make, to re-establish peace among them, and to establish in the country such a Government as would afford them protection, and give them tranquillity and peace and happiness for the future. This is what I wish to see. I really feel the highest respect for those people, on account of the very valuable services they have rendered to her Majesty, not only throughout the recent disturbances, but on all occasions.

The EARL of DURHAM.—My Lords, I was anxious to delay the observations, which I have to make, for as long a period as possible,—and purposely,—that I might have the advantage, to which I thought myself fairly entitled, of availing myself of whatever might pass in the course of this debate in reference to the situation which I had the honour to fill for a short time; and I was, especially, most desirous not to ad-

dress your Lordships until I should have had an opportunity of hearing a speech from the Noble Duke,—of whom, I may be permitted to say, that I consider him, on the great interests and topics connected with this momentous question, as high an authority as can be listened to, either in or out of your Lordships' House. If the Noble Duke will but very slightly tax his recollection, he will remember what took place between us before I left this country, and he will call to mind that there was no great difference of opinion between any Noble Lords, as to the necessity for having a very large military force in Canada; and her Majesty's Ministers will recollect that, on my own responsibility, as well as on the authority of the Noble Duke's opinion, I did make a request for the largest amount of military force which could be spared. I wish also to concur with the Noble Duke in the approbation he has expressed of the services of the volunteers and militia of Canada. It is impossible to describe the privations those gallant men have suffered, or to conceive how much they are entitled to the gratitude of this country—and how base the Parliament of this country will be, if it should ever abandon them, or ever wish, for one instant, to sacrifice that connection between the two provinces which these men have upheld at so great an expense of personal hardship, and even of their blood. But I wish to go further, and to pay a tribute of praise also, which perhaps the Noble and Illustrious Duke, from his connection with the army, did not think it befitting in himself to offer. In the situation which I held, I had an opportunity of knowing the value of the services of the regular troops; and therefore I feel bound to tender the warmest expression of gratitude to them, both on the part of myself and of the colony, and of my gallant successor Sir J. Colborne; and I am bound to say that, looking to the exceeding difficulty and delicacy of the services which they had to perform, it was impossible for any force to act more in accordance with the spirit of humanity and loyalty. In thus concurring with the Noble Duke, I do not think that I shall render myself liable to the charge of wishing to establish a despotic power in Canada. I am as little inclined as any one to perpetuate such a state of things; but I must contend, now, as I did when I last had the honour of addressing your Lordships before I left this country, that the necessity for setting up such a power in Canada has not originated in any act of the Parliament of this country, but in the acts of the House of Assembly of Lower Canada, which forced the Legislature to take precautions, and to adopt measures, that otherwise it would have been quite impossible for any man, attached to principles of liberty, to have voted for. I should be sorry to see the system of arbitrary government continued any longer than may be absolutely necessary; but I should think myself very unmanly in my conduct, if I shrunk from declaring that the powers embodied in this Bill are absolutely required for the efficient government of that colony. The opinion which I entertain on this subject, I fully stated in my despatch of the 20th of June, in which I applied for power to levy rates, not for the purpose of forcing on the people any obnoxious measures, but for the purposes of improvement—purposes which the people themselves demanded, but which I had not the power to facilitate, or to fulfil. Almost the first act which I had to perform in my arrival at Quebec, was to endeavour to form a preventive police for the maintenance of order and common decency. I never knew any town more destitute of the means of effecting that object. There was no security for the public peace; the most unblushing crimes were committed in open day; and indecency, filth, and dirtiness, in all their most disgusting and degrading appearances, met my eyes in every part of the town. The inhabitants, themselves, were perfectly ready to enter into any measure to effect an improvement in this respect; but they had not the means of providing rates,—they had no municipal laws, or powers for the maintenance of a police. The evils, however, which rendered a police force desirable, were very great; especially as there were large garrisons there, and as many as thirteen or fourteen ships at a time occasionally lay off Quebec: and here was another source of great disorder; men were constantly prevailed upon, by every inducement, to desert her Majesty's service, in order to enter the merchant service; and, on the other hand, all means were resorted to, to make them leave the merchant service for the royal navy; so that the whole body of shipowners felt the annoyance of such practices to be so great, that they came to me and declared themselves willing, if I could legally establish a police force, to supply all the necessary funds out of their own pockets. But, as I said before, I had no power to meet their wishes; and not only that, but the Act especially prevented me from doing so; and therefore, in asking for that power, I conceived that I was doing no more than my duty,—and I should be ashamed of myself, if I had not taken, or

endeavoured to take, means to remedy the defects, in these particulars, of the old institutions of the colony. The success of such a measure as this now before your Lordships must, in a great measure, depend on the confidence placed in the governing authorities; and there is an absolute necessity for a permanent law, as respects capital invested in trade, for the improvements which are so necessary to the prosperity of the country, and to check the emigration from it. Owing to the expiry of Mr. Viger's Act, in 1836, and the refusal of the Legislative Council to renew it, there is at this moment no jury law whatever in Lower Canada.

Having said thus much on the necessity of granting powers, which, I am confident, Sir J. Colborne and his colleagues would not use improperly, I may be permitted to say one word with reference to the course which I have pursued. I have been most unjustly accused, as it appears, of having abandoned my duty, in not having brought this question repeatedly before the House, since I presented my Report. I will, in the first place, before proceeding further, make an observation or two on the information conveyed in the Report which I gave in to her Majesty's Ministers, and to Parliament, — comprising a variety of statements relative to the Crown lands, the claims of the militia, the hospitals, the prisons, the municipal institutions, the Church of England, the Church of Scotland, the Roman Catholic church, general education, registrations, the feudal tenures, — upon, in short, in all, twelve subjects; — the presentation of that Report being, as I trust, the redemption of a pledge I gave to the people of Quebec, when I left them, that I would devote my best energies to bring their case before Parliament. I have done so, I hope, without mixing up any personal or party feelings with it. I have acted to the best of my abilities; and I should be ungrateful, if I did not acknowledge how much I was indebted to those industrious persons by whom I had the good fortune to be surrounded, in drawing up that Report which has been so much praised by the Noble and Learned Lord; so much indebted, indeed, that to their industry, more than to my own, is the production to be ascribed. It is an epitome of all the information which they gave to me, — and to that valuable information, as well as to the method in which they laid it before me, I repeat, is the merit of the Report to be ascribed, rather than to any skill of my own. Having presented this document to Parliament, I felt that the next step naturally to be taken, must be one, on the part of the colonies; — the Report having been presented, it then became necessary for Upper and Lower Canada to state whether they approved or disapproved of its contents, or not. For myself, I was determined not to press these matters upon the attention of Parliament, until I should be enabled either to speak, in the name of the colonists, or, at least, to avow that the propositions which I had submitted therein, had not met with approbation; and I confess that I am not surprised that her Majesty's Ministers should propose this measure in the present state of Upper Canada, because it ought to be known that the House of Assembly is on the eve of a dissolution, — this being the last year in which the present Assembly can meet together.

With regard to a union of the provinces, I have, in the Report which has been laid before your Lordships, expressed my opinion upon that important subject; and I think the course which has been followed, in postponing the consideration of any measure for effecting that object, is a wise one. The people of the colony have a perfect right to claim for themselves an opportunity of expressing their opinions upon a measure so important, and the postponement of that measure can hardly fail of giving satisfaction to the Lower province. The colonists have a just title to express their opinions on a matter in which they are so deeply interested; but Parliament has not a right — in its present situation, and without ascertaining the feelings of the Canadian people — to force any such important measure, as a union, upon the colony. I agree with the Noble and Illustrious Duke, that Government ought not to act precipitately; but, I contend that it is only fair and proper that the Ministers of the Crown should state their opinions and their intentions as early as possible, in order that an opportunity may thus be afforded for ascertaining the views of the people of these provinces, with respect to the measures which it may be deemed advisable, by your Lordships, to adopt. When Government has expressed its opinions, and declared its intentions, it is only just that Upper Canada should have an opportunity of expressing its opinions on the measure to be adopted. I do not mean, by alluding to Upper Canada alone, to say that an opinion might not also be collected from the people of the Lower province. It is true, they cannot entertain the same views as their representative body, — the functions of their Assembly having been

uspended, — and, therefore, cannot give he same expression to them as in the Jpper province; but you may get at the ›pinion of the best informed and best ›ducated part of the population, — namely, he British inhabitants of Lower Canada, vhose loyalty and devotion give them a ust claim to be consulted.

Your Lordships will have, in the inter-val between the present Session and the next, an opportunity which, I trust, will not be neglected, of ascertaining the feelings and opinions of the people of Canada, relative to the measures to be afterwards pursued. Your Lordships will, in that interval, be able to ascertain what the views and opinions of the British population are, as to whether a union ought, or ought not, to be formed; and, in the next Session, you will be fully prepared to enter upon the consideration of this most important question. There is one other point on which I am anxious to make a few observations; and that point relates to an isolated topic in the Report which I presented, and to which allusion has been made by a Noble Marquess. The point to which I wish to call attention has reference to the recommendation I have given, that "a responsible Government," as it has been termed by others, — for I, myself, never made use of the phrase, — should be resorted to. It is my conviction that no Government can be established, which can give permanent satisfaction, that shall not be founded upon such a principle, and conducted in such a manner as to carry with it the feelings and the approbation of the people of the colony. I do not say that I would proceed immediately to the construction of such a Government, or that I would take Ministers from the House of Assembly, and so form a responsible Government; but I do say, that if you give to the Canadian people all the freedom which you, yourselves, enjoy, as to representative institutions, — if you give them the power of regulating their own affairs, of voting money, and of refusing the supplies, — if you give them all these powers, and yet deny to them the results of that freedom and of those powers, it is impossible to imagine that there can be satisfaction in the colony. On the contrary, if they are denied the enjoyment of those results which ought naturally to spring from free institutions, the colony will continue to be the scene of dissatisfaction, and there will be struggles and contentions without end — there will continue to exist differences of opinion leading to insurrections such as that to which the colony has recently been exposed. Therefore it is that I would ask whether, when such are the results of a want of a responsible Government, it would not be better, if such a Government cannot be formed, to give up the colony altogether, and suffer them to govern themselves? My opinion is, that such a Government might be formed as would render the union of the colonies with the mother country a means of advantage to both — as would make colonies a blessing and a source of strength to the nation, instead of being a cause of degradation and of pecuniary loss. If such a Government were formed, confidence and strength would be the results. Mutual advantages, in such a case, would spring from the connection, which would give rise to mutual satisfaction; but, by the present system, so far from any advantage emanating from the possession of colonies, they are only a cause of great loss to the nation. It is, then, an improvement of the present system which I advocate; and I am fully aware that those of your Lordships who oppose my opinions on this subject, are not actuated by any improper view, in doing so, but proceed, only, in the want of that information which can only be acquired on the spot, and by personally witnessing the wretched condition of those whom you have induced to leave their own country for those distant colonies. I cannot but wish that such of your Lordships as are inclined to oppose my views, had seen, as I have, the miserable condition of those who, year after year, in such numbers, have gone out to North America. There is one other reason to which I wish to allude, as that which has induced me not to put myself forward for the purpose of proposing any measures relative to Canada. I was well aware of the political hostility to which I was, personally, exposed; and I was most anxious that this great question, relative to Canada, should not be mixed up with anything like party feeling or party disputes. I therefore felt it to be my duty, after having furnished the Government with all the information in my power, to rest satisfied for a time, and not to force my opinions upon Parliament, or to embroil, in any way, the difficulties with which this question was already surrounded, merely for the gratification of my own personal feelings. It was on these grounds that I abstained from pressing on any discussion relative to Canada. I really am ashamed to trespass further on your Lordships' time; but I may, perhaps, be permitted, before I sit down, again to declare that, in my opinion, there is sufficient cause for requiring that the powers of this Bill should be confided to

Sir John Colborne and his Council. I must also express a hope that the Government will not lose sight of the necessity for legislation, without delay, on the subject of Canada. I trust that, during the recess, the opinions of the Canadian people will be fully ascertained; and, in the next Session, as early as possible, I hope a well-digested measure will be brought forward, such as may meet with the approbation of the people of the colony — with the approbation of Parliament, and of the country, — and such as will conduce to the advantage of Canada, and to the honour and prosperity of England.

The EARL of GOSFORD. — As the important subject of Canadian affairs must, before long, be again, and in a more enlarged shape, brought under the consideration of your Lordships, I will not, on the present occasion, trespass on the attention of the House for more than a few moments. No man can feel, more forcibly than I do, the urgent necessity for a speedy and permanent settlement, in those unfortunate provinces; and much do I regret that her Majesty's Ministers have not brought forward some system of legislation of a more permanent character than the one now on your Lordships' table. The delay, pregnant as it is with evil, has, however, in my eyes, one redeeming quality; — it has led to the suspension of the proposition for uniting the two Canadas; and I trust that it will, ultimately, lead to the abandonment of that project, and the substitution of some other plan, better calculated to meet the exigencies of the case, and to insure a more general acquiescence on the part of those whom it will chiefly affect. In my opinion, such a union, if carried, would produce results far different from those anticipated by its advocates. The French Canadians, who are estimated at more than two thirds of the population of Lower Canada, and nearly one half of that of both the Canadas, are, to a man, opposed to it. Do your Lordships expect that any measure, having to encounter such a mass of hostility, can work well, or even fall short of alienating the affections of the French Canadians from the Government of this country. I must here beg to recal to your Lordships' recollection what occurred in 1822, when a similar proposal was unsuccessfully urged, and gave rise to the greatest excitement in the colony; and I believe that, in the exertions then made by M. Papineau to give effect to the general opposition, may be traced the origin of that person's subsequent popularity and influence over a large portion of his countrymen, — an influence, that, however patriotically it might at first have been used, was, I regret to add, ultimately exerted in the furtherance of designs decidedly at variance with the real interests of his country. With regard to the power of taxation which it is proposed to confer on the Governor and Council, by the Bill before your Lordships, I feel the strongest objections to that part of the measure, as not only dangerous in principle, but as being so vague in its terms, that no one can safely undertake to define the exact limits of its operation. I believe, that if there can be any one thing more calculated than another to array the whole mass of the French Canadians against us, it is the third clause of the present Bill. The *habitans* may almost be said to be an untaxed people; and the jealousy and discontent which will inevitably attend any attempt on the part of the Government to commence a system of taxation, will, I fear, prove more alarming in its consequences than your Lordships have any conception of. That the Government intended, and would soon proceed, to tax the Canadians, was one of the many artful misrepresentations employed by the agitators, previous to the late outbreak, to excite them to disaffection towards the constituted authorities; and I regret that what was, at first, merely a mischievous misrepresentation, is now about to become a dangerous reality. If taxation be considered indispensable, I think the less objectionable course would be to revive the old Acts of the Assembly, according to the provisions of the British Act now in force (1st of Victoria) for the government of Lower Canada. If additional powers of taxation be considered absolutely necessary, I would much rather confide their exercise to the sole discretion of the Governor General, than divide the authority, in this matter, with the Council; for, to my knowledge, there are several individuals in that body so obnoxious to the great mass of the population, that, however beneficial the object, I am sure that any measure of taxation, in the imposition of which these members might be concerned, would therefore, and even upon that account alone, be viewed with dread and suspicion. Strong as are my objections to the present inadequate measure, yet, as any government is better than no government, I shall not oppose the Bill going into committee, as I hope it may be there amended and improved; but I shall feel myself bound to vote decidedly against that clause which has reference to taxation, should it be insisted on.

It was certainly my intention, here, to

have ended my remarks; but from certain observations of the Noble Duke (Duke of Wellington) I feel called upon, from the situation I had the honour of filling in Canada, to say a few words more. I really am greatly astonished at what has fallen from that Noble Duke respecting the state of Lower Canada, and I cannot imagine from what source the Noble Duke has derived his information. This is the first time I have ever heard that the people of that colony were not desirous of tranquillity; and I must beg to assure the Noble Duke, that I have received accounts from that country, from persons of all classes—English and French—as loyal and as honest and worthy men as exist, who know the country, and take a warm interest in its prosperity and welfare—and who, instead of representing it to be in the state of lawlessness and warfare described by the Noble Duke, coincide in testifying to its disposition to peace and tranquillity. I am aware, my Lords, of the existence of great alarm in Canada; which, indeed, does not surprise me, — arising — as it must do, so far as the French Canadians are concerned — from an apprehension of a violent ultra Tory British party, whose object is, to monopolise as much as possible of the power and patronage of the colony, and to assume an ascendancy over all who do not participate in their arbitrary views. The whole conduct of this party, and the violence of the language made use of by many of those who belong to it, are quite enough to exasperate the French population, and produce, among them, the alarm I have alluded to. Every means that ingenuity could devise has been resorted to, in order to mislead this country as to the real state of affairs in Canada; and I have heard of statements respecting that country, received as facts in England, for which there can have been, by no possibility, any foundation. Of this, my Lords, I am convinced, — that, if any countenance be given to this ultra party, it will be in vain to expect that that colony can be held by any power but that of the bayonet. The French Canadians — (I can speak from experience) — are, as a body, a most loyal, amiable people. A few, and but a few, have been, unfortunately, misled by designing persons; but when I left the province, in the end of February, 1838, everything was in a state of perfect tranquillity. I say, my Lords, let this country discountenance, equally, the violent on each side,—pursue a steady and impartial course — extending equal rights and equal laws to all, without distinction of race, — and you will find but little difficulty in establishing, in the colony, the most economical, the most lasting, and the most satisfactory of governments, — that which is founded on the affections of a people.

The DUKE of WELLINGTON. — I beg to say that I did not refer to anything that had passed while the Noble Earl was Governor of Canada, but to transactions which had taken place since the breaking out of the rebellion in 1837. I believe, however, I am not mistaken, when I state that the Noble Earl authorised a declaration of martial law. Military operations were also carried on with varied success; and, in the end, the leaders of the insurrection fled, and took refuge within the United States. I can also venture to assure the Noble Earl, that, since his departure, war has continued even up to the present period. That was the period — those the circumstances — to which I referred, and not to the period since the declaration of martial law by the Noble Earl.

The EARL of GOSFORD. — I allude to the existing state of things in the province, and not to anything that may have passed, long since. From three weeks after the commencement of the rebellion, to the latter end of February, I do not believe that there was a quieter province in the world.

EARL FITZWILLIAM. — It appears to me that the Noble Duke has confounded rebellion in the province, with disturbances on the frontier. The disturbances on the frontier are not unnatural. They have long existed there; and it happened but rarely, during the last century, when the settlers came in contact, that the borders of the states in North America were in a state of peace. But I am at a loss to understand how the measures recommended by the Noble Duke would produce peace. They might produce the tranquillity of silence; but that peace would only be the peace of the body, not the mental repose of the nation. The recommendations of my Noble Friend below me appear to me to amount to nothing less than the assertion of the necessity of a reconquest of Canada. But how has this become necessary? The whole history of the Colonial Office shows that we have treated Canada with injustice. I do not, however, mean to say that this injustice is any palliation of rebellion; but it is too true that we are not doing by Canada as we would be done by. I know that the opinion which I entertain on this subject is so different from that which is entertained

by the majority, not only of your Lordships, but of the people of this country, that I almost despair of obtaining anything like attention to my observations. Any man, however, who has deduced from history the lessons which it ought to teach him, knows that a more fatal error cannot be committed than the attempt to make geographical states in remote latitudes, instead of founding a nation.

The DUKE of WELLINGTON. — Till measures are taken to restore the province to a state of security, it will be in vain to hope that any constitutional Government, or any Government at all, can be established in Canada. This is what I adverted to, and I never alluded to any constitution of a particular description. I did not notice the discussion between the Noble Marquess on the Treasury bench and the Noble Earl. I have never, since the commencement of the present Session, adverted either to the despatches or the Report of the Noble Earl, — expecting that any measures relating to Canada would originate, as they ought to do, with the Government. I will now only state my determination, on my own part, to do everything in my power to promote a settlement of the affairs of Canada.

The MARQUESS of NORMANBY. — With regard to the very few observations which it may, now, be necessary that I should offer to your Lordships, I beg, first, to express my satisfaction at what has fallen from my Noble Friend behind me, since all that he has said proves his anxious desire to promote the welfare of those whose interest we ought, all of us, to have at heart. I find another source of pleasure in the language used by my Noble Friend, as it affords a complete justification of the course taken by the Government. But I would now beg to bear my testimony, such as it is, to the opinion of my Noble Friend behind me, not only with regard to the services of the army, but, also, to the services of the militia of the province. The Noble Earl alluded to the amount of force in the Canadas; but there have not been any recent complaints of a deficiency in that respect. I believe that there were some complaints expressed ten years ago; but the force was increased previous to the breaking out of the late rebellion. At any rate, there is a sufficient army to support the authority of the Queen's Government. From what I understand from the Noble Duke, he does not differ much from me as to the mode of governing the province. With respect to the union of the two provinces, the Government are most anxious for that union; but circumstances induced them to abstain from persisting in a measure to that effect during the present Session, in consequence of some information that was received from Canada on the morning the Bill was to be proceeded with. On that day, the Government received the resolutions of the House of Assembly of Upper Canada on this subject. The Legislature of Upper Canada proposed an arrangement, but on such terms as could not be listened to by the Government; it therefore became absolutely necessary to abandon the Bill for the present Session. When I say that this is not the period for permanent legislation, I do not assert that there is to be no permanent legislation, hereafter, on this subject. The time, I trust, will, ere long, come, when we may be able to calculate on producing a state of social feeling in the colonies for the establishment of a system of sound constitutional government there.

The House then went into committee.

PORTUGUESE SLAVE TRADE BILL.

The Yeoman Usher of the Black Rod here announced that a message was waiting from the Commons.

LORD BROUGHAM. — This is a specimen of the extraordinary rapidity with which legislation is carried on at the end, and only at the end, of a Session. People who, for four or five months, have done absolutely nothing, are now giving your Lordships more to do than you have time to do it in. If any of them should happen to hear this through any irregular channel of communication, they may take a warning that, in future, if Bills are brought up at the unseasonable hour of eleven o'clock, instead of the usual and regular hour of five, their reception will be resisted.

The MARQUESS of LANSDOWNE. — I think that the Bill which is waiting to be brought up is one which my Noble and Learned Friend would be gratified at proceeding with at an unnatural speed, as it is a Bill which I am sure will meet with his cordial approbation, — namely, an Act for the forcible suppression of the Portuguese slave trade.

LORD BROUGHAM. — My Noble

Friend is greatly mistaken in the view that he takes of the matter, as I do not approve of good measures being advanced by such bad means; but such Bills, above all, should be proceeded with in a regular course of proceeding. Nothing can be gained by bringing up the Bill at this late hour, for it cannot be read a second time until Monday or Tuesday.

LORD HOLLAND. — I am a much older Member of the House than the Noble and Learned Lord, and I can recollect very important Bills being brought up at a much later hour. I have also known the House to wait three hours doing nothing, in expectation of a messenger from the House of Commons. I really think that a little good humour on the part of one House towards the other would be much better than this constant scolding.

The Bill, "for more effectually suppressing the Trade in Slaves, carried on under the Flag of Portugal," was then brought up from the Commons, read a first time, and ordered to be printed.

The House again went into committee on the Lower Canada Government Bill.

Clause 1. agreed to.

On Clause 2. being put, —

LORD BROUGHAM said: — I beg to move that this clause be postponed, in order that your Lordships may, at once, come to a decision on the third, which gives power to the Special Council of levying new taxes.

Postponed accordingly.

On Clause 3. being put, —

LORD BROUGHAM said: — I certainly cannot concur in the propriety of adopting this clause; for it gives, as regards taxation, a totally new power, — a power which never was agreed to by any representative body whatever. I therefore am induced to ask your Lordships to strike out this provision altogether.

The EARL of WICKLOW. — From the part I took with respect to the Jamaica Bill, your Lordships will not be surprised at my supporting the Noble and Learned Lord on the present occasion. I maintain that the clause under consideration is contrary to justice, and goes to abandon a great constitutional principle. Therefore the proposition of the Noble Lord has my hearty concurrence.

LORD ELLENBOROUGH. — I think that, before the House comes to a division on the clause, it would be desirable to have the meaning of it explained. The clause says, that "no new tax shall be levied by, or made payable to, the Receiver General, or any other public officer of her Majesty's revenue; nor shall it be appropriated by the Governor, or any other officer of the Crown." Who, then, is to receive the tax? and who is to appropriate it?

The EARL of RIPON. — It is also necessary to know by whom the tax is to be paid.

The LORD CHANCELLOR. — All the power now existing in the Legislature will, with certain restrictions, be transferred to the Special Council.

LORD BROUGHAM. — I hope that the Portuguese Slave Trade Bill is drawn up with more carefulness, and with a greater regard to the powers of human comprehension, than this measure is. No public officer of revenue is to levy the new taxes; and what sort of person is to levy them, it is out of my power to imagine. It is impossible for your Lordships to pass nonsense; and you must, therefore, either reject or alter the clause.

The MARQUESS of NORMANBY. — The taxes will be levied by whoever shall be appointed by the Governor and Special Council for the purpose.

LORD ELLENBOROUGH. — I really think that your Lordships have a right to entertain some jealousy of the persons appointed to levy the taxes. The most convenient course would be for the Noble Marquess to concur in the rejection of the clause; and to insert another, more clearly expressed, on the bringing up of the Report.

VISCOUNT MELBOURNE. — My opinion is, that the better course would be, to pass the clause. If your Lordships are inclined to sanction the general principle of the clause, you ought not to reject it, as it may be amended at a subsequent stage.

LORD BROUGHAM. — I differ from my Noble Friend. The Noble Viscount says, "I have got here a precious piece of nonsense, but I will endeavour to make

sense of it if I can." Now, I think the natural course to follow is, because the clause is nonsense, to reject it.

LORD ELLENBOROUGH. — I have no inclination to refuse the power of levying money to the Governor, if the money is to be administered by municipal bodies; but I certainly shall object to its being administered by companies authorised to do so by law or ordinance.

The EARL of DURHAM. — There are, already, authorities who could collect these rates, totally unconnected with the revenue officers. They are persons who, by the present laws of Lower Canada, are enabled to collect certain taxes for the repair of roads in Montreal.

The DUKE of WELLINGTON. — The intention of the clause is to give to the Special Council the same power as has been, heretofore, possessed by the Legislature, with regard to the passing of Private Bills. If that intention were clearly expressed, I should see no objection to the clause.

The LORD CHANCELLOR. — That is exactly the intention of the clause; and collectors will, of course, be appointed by each ordinance.

LORD LYNDHURST. — It is perfectly idle to pass this clause; for, supposing any measure to be agreed to under it in Canada, next November, it will not be before Parliament, in this country, until the ensuing February; and as it must then lie on the table thirty days, it will not be received again in Canada until the time has nearly arrived at which fresh provision must be made for the government of that province.

The MARQUESS of NORMANBY.— The Bill is only a temporary measure.

LORD LYNDHURST. — It is for taxation, and therefore permanent. It is clear that the Government do not understand their own measure.

LORD BROUGHAM — It is, certainly, permanent; but, as the framers of the Bill do not appear to understand it, I think it would be better for my Noble Friend the Chairman to report progress, in order to give your Lordships an opportunity of reading and inwardly digesting it.

The LORD CHANCELLOR. — The object of this clause is clear enough, — namely, to levy taxes for local purposes. I hope your Lordships will not occupy another night with the discussion. Your Lordships appear to agree to the principle; the only objection is to the permanence of this clause.

LORD BROUGHAM. — My Noble and Learned Friend says that this clause is perfectly intelligible. Now, I beg your Lordships' attention for one moment. The first thing to be considered is, how the money is to be applied. The Governor says, "Levy the taxes," but does not state for what purpose they are to be levied. Your Lordships do not know whether the money received is to be applied to a road, to a canal, or a gaol. I really do not believe that my Noble Friends near me have made up their minds whether the clause is to include or exclude the power of taxation.

LORD LYNDHURST. — I beg leave to propose that the clause be postponed.

VISCOUNT MELBOURNE. — I think it better to amend the clause at once.

LORD BROUGHAM. — Why not bring in a clause when the Report is brought up, and when the Government will understand it?

The DUKE of WELLINGTON. — I certainly think it desirable to pass some clause of this kind. I understood that a quay is much wanted at Montreal, and, to meet that expense, the duties permitted by this clause must be raised. If the clause be not sufficiently clear, it would be better to postpone it to the end of the evening.

VISCOUNT MELBOURNE. — I must object to the clause being postponed.

The committee then divided, when there appeared —

For the clause . .	59
Against it . . .	46
Majority . .	13

Clause agreed to.

On Clause 4. being put, —

LORD BROUGHAM said: — As I understand this clause, it gives the power to the Governor and Council to alter the tenure of land.

The MARQUESS of NORMANBY.—It does.

LORD BROUGHAM.—Then I certainly object to such a power being given.

LORD ELLENBOROUGH.—As I concur in the objection of my Noble Friend opposite, I beg leave to propose, as an amendment, that the Bill shall not extend to the grant of such power.

Clause, as amended, agreed to.

Clauses 5. and 6. agreed to.

On Clause 2. being again put, —

LORD ELLENBOROUGH said:—I cannot agree to giving the Governor and Council, whose authority is only temporary, the power of making permanent laws. I beg, therefore, to propose that no law of the Governor and Council, of a permanent character, shall be binding until it shall have lain on the tables of both Houses of Parliament for thirty days; and that, even then, it shall not receive the sanction of the Crown, if either House should address the Crown to refuse that sanction. Those words are taken from the Act of 1791.

VISCOUNT MELBOURNE.—I, for one, cannot agree to this amendment. It would be giving to the opinion of one House of Parliament the force of law. I would suggest that the Address should be required from both Houses.

LORD BROUGHAM.—The amendment does not give to the opinion of either House the force of law, but it enables either House to prevent a law from being made. I wish that some power existed, in a place that shall be nameless of restraining or preventing the making of bad laws.

Clause, as amended, agreed to.

The Report was then ordered to be received on Monday next; and the Lords summoned.

POOR LAWS (IRELAND).

On the motion of the EARL of GLENGALL, ordered to be laid before the House —

Copies of correspondence between the Commissioners of Poor Laws in Ireland and certain magistrates, — Henry Pedder, Esquire, and others, — respecting the election of guardians for the Clonmel union: And, also,

Copies of correspondence between the Earl of Glengall, James Barry, Esquire, and the Commissioners of Poor Laws in Ireland, respecting the election of guardians for the Clogheen union, county Tipperary.

TIMBER SHIPS BILL.

Amendments reported (according to order), and Bill to be read a third time on Monday next.

SCOTCH CHURCH.

Petition for the further endowment of, —of inhabitants of Kilninver and Kilmelford. — Read, and ordered to lie on the table.

Petitions in favour of the principle of non-intrusion, — of inhabitants of Kilbrandon and Barr. — Read, and ordered to lie on the table.

MUNICIPAL CORPORATIONS (IRELAND) BILL.

Petitions against, — of the master, wardens, and brethren of the corporation of carpenters, millers, masons, healers, turners, and plumbers of the city of Dublin: and of the master, wardens, and brethren of the corporation of smiths or guild of St. Loy, Dublin. — Read, and ordered to lie on the table.

PRISONERS' TRIAL BILL.

Committee (which stood appointed for this day) put off to Tuesday next; and the Lords summoned.

UNLAWFUL OATHS (IRELAND) BILL.

Second reading (which stood appointed for Tuesday next) put off to Thursday next.

COURTS FOR COUNTIES BILL.

To be read a second time on Tuesday next; and the Lords summoned.

PAPERS.

Copy of a petition to her Majesty the Queen, dated on ———— last, from certain of the inhabitants and burgesses of Birmingham, praying her Majesty to appoint, as fit and proper persons to be magistrates for that town, those who now discharge the duties of justices of the peace for the Birmingham division of the county of Warwick: Also,

Copy of the letter or letters, memorial or memorials, from certain gentlemen of Birmingham, of the 16th instant, respecting the conduct of the magistrates of Birmingham on the 15th instant: Also,

Copy of the letter from Mr. Phillips to John Hebbert, Esquire, dated the 17th of July: And, also,

Copy of the letter from John Hebbert, Esquire, to Lord John Russell, dated the 18th of July.

Delivered (pursuant to Address of Monday last), and to be printed.

Correspondence relative to the condition of the Hill Coolies in British Guiana. — Delivered (by command), and to be printed.

Return of wheat, flour, oats, and barley imported from foreign countries, or from her Majesty's colonies, into the United Kingdom, during the year 1838, and the first half year of 1839; distinguishing the several months during that period, and such part of the said importations as were made in bond, from what was imported directly to home consumption: Also,

Return of all wheat, flour, oats, and barley, for the same period, admitted to home consumption, and of the rate and amount of duty collected on the same: Also,

Statement, for the same period, of the average prices of wheat, flour, oats, and barley, by which duties were regulated according to the existing law: And, also,

Statement of the quantities of wheat, flour, oats, and barley remaining in bond at the latest period, when the same can be made out.

Delivered (pursuant to order of the 4th instant), and to be printed.

Tables of the revenue, population, commerce, &c. of the United Kingdom and its dependencies, (Part 7.) 1837. — Delivered (by command), and ordered to lie on the table.

Adjourned.

HOUSE OF COMMONS.

PRIVATE BUSINESS.

Bury (Lancaster) Small Debts (No. 2.) Bill. — Read a third time; amendments made; Bill passed.

BELFAST WATER (No. 1.) BILL.

The committee reported as follows: —

That the Committee on the Belfast Water Bill, to whom two petitions against the Bill were referred, had considered the said petitions, and had heard counsel in support of one of them, and that they had also heard counsel in favour of the Bill, and that they had examined the allegations of the Bill, which merely stated "that the town of Belfast had, of late years, become very populous, and greatly increased in houses and buildings, and is likely to increase; and the poor and other inhabitants of the said town are not, at present, sufficiently supplied with water; and it is expedient that a further and additional supply should be procured; and that the most Honourable George Augustus Marquess of Donegal, and the Right Honourable George Hamilton Chichester, commonly called the Earl of Belfast, the eldest son of the said Marquess, together with several other persons, are willing and desirous, at their own expense, to effect the purposes aforesaid, and to be incorporated for such purpose, with the powers and subject to the conditions hereinafter contained; and that the same cannot be effectually done without the aid and authority of Parliament;" and that they had found the allegations above recited to be true; but that the committee did not consider that sufficient evidence had been submitted to them to justify them in agreeing to the first clause, incorporating the parties aforesaid into a company, for the purposes therein mentioned. It also appeared to the committee, from the statement of the parties soliciting the Bill, that the omission of the first clause would render the remaining ones inoperative; and the committee therefore resolved to reject them, and to report the circumstances specially to the House.

Mr. O'CONNELL. — I have to apply to the House to recommit this Bill. The committee, after admitting that the preamble of the Bill — which states, that the town of Belfast has increased in population, and that there is a necessity for an additional supply of water for the purposes of the town and for the use of the poor — was proved, rejected the clause of incorporation, and thus prevented the work from being accomplished. This is an anomaly, which, I think, entitles the Bill to be reconsidered. I submit, that, in point of form, the House cannot pass the preamble and reject the provisions of the Bill; and I therefore move that it be recommitted.

Mr. G. W. WOOD. — I submit, that the Honourable and Learned Member has not stated sufficient grounds for the recommittal of this Bill. The Honourable and Learned Member says that the Report of the committee is an anomalous proceeding, inasmuch as the committee found the preamble proved, but rejected the first clause incorporating the company. In doing so, I think the committee acted quite right. The committee consisted of fourteen members; they examined eleven witnesses for the Bill, and four against it. Two members did not attend subsequently to the choice of the chairman; three others attended only for a time, till called away by private business; and of the remaining nine, all attended throughout the proceedings, day by day. Two resolutions were proposed. The first, that the preamble was proved; the second, regarding the clause of incorporation. The committee gave both points their best consideration; and, after hearing the evidence, unanimously agreed to find the preamble proved, and to reject the incorporating clause. I submit, therefore, that the Bill ought not to be recommitted.

Mr. EMERSON TENNENT. — I beg the House to understand that this is not a contest between two sets of rival speculators, but a struggle between 65,000 inhabitants of Belfast and the persons promoting this Bill. I am glad to find that, on the score of the merits of the case, the Honourable and Learned Member for Dublin does not profess to have the remotest grounds for his present motion. These, he virtually admits, were fully and conscientiously condemned in the committee; not one tittle of evidence was excluded; and the committee, consisting indifferently of Whigs and Conservatives, and including the three nominees, one of whom was chairman, came to a unanimous decision against the Bill. There was not one member of that committee who did not feel that the whole speculation

was a disgraceful bubble. It was given in evidence, that the whole body of the inhabitants were opposed to the measure, and that the only advocates of it were the speculators who are promoting the Bill. Every particle of testimony went to show that the measure was actually loathed by the town; and the committee, taking the same view of it, rejected it unanimously. To send the Bill back, therefore, to the same committee, on its merits, would be only to insure its instant rejection. But, then, the Honourable Member for Dublin takes a different ground, and says that it is on a technicality that he wishes the Bill to be recommitted; that, in point of form, the Commons cannot pass the preamble, and reject the provisions of the Bill. But that depends altogether on what the nature of the preamble is, and whether the provisions of the Bill have, as they ought to have, an immediate connection with, and dependence upon, the preamble. The utmost tenor of a preamble is to set out, that "whereas a certain state of things exists, and whereas it is expedient to enact a certain measure to remedy it; be it therefore enacted, that such and such regulations may become law." I admit that, where the preamble is thus drawn, where the evil is proved, and the nature of the remedy demonstrated, then, indeed, it would be absurd to affirm the one and negative the other. But where, as in this Bill, there is no connection or consequence whatsoever between or upon the preamble and the Bill, the case is widely different. Now, what is the preamble, here? It sets out merely that the town of Belfast is very populous (which was proved), and had a deficient supply of water (which was admitted), and that certain parties were desirous of forming themselves into a joint stock company, to afford the necessary supply (which is evident); and as this is all that the preamble states, the committee, of course, voted all that is alleged in it to be true. But then came the question, — although these parties were willing to supply the town, was it expedient that they should be vested with that power? This was the allegation which ought to have stood in the preamble, but which was studiously excluded from it. The preamble, in fact, merely alleges the evil, but never once refers to the expediency of the proposed remedy. If it did this, the committee would at once have negatived it, on the evidence before them to the contrary. Dealing, however, with the Bill as they found it, they passed the preamble, — very true; but the whole body of evidence being against the remedy proposed, — namely, the formation of a joint stock company, to supersede the existing management in Belfast, — they negatived that proposition the moment it came before them, and, of course, the Bill fell to the ground. In all this there was not one particle of contradiction; and the two proceedings were not only compatible, but are also perfectly reconcileable to precedent, as has already been shown in the case of the London and Manchester Railway, and other Bills, in which the committee affirmed the preamble, that it was proper that the proposed works should be done, but negatived the first clause of the Bill, which named improper persons to execute them.

The motion of the Honourable and Learned Member for Dublin is, in fact, neither more nor less than a portion of a harassing and disgraceful system of annoyance and vexation, which has been practised for the last five years, with a view to extort money from the people of Belfast. It has been concocted and carried on by an attorney at Belfast; who, during that period, has contrived to force large sums of money from the inhabitants, by bringing in Bills to upset their institutions, or by resisting their own attempts to procure Bills to improve them, and then demanding money to buy off his opposition, or to induce him to cease from his attacks. To such an extent has his system of persecution been carried in this one instance — (the House will hardly credit it), — that no less than twenty-eight town meetings have been obliged to be called in Belfast, in order to devise the means of resisting him; and what with resisting his own Bills, or soliciting those which have been defeated by his machinations, he and his allies have actually cost the Charitable Society of Belfast, who have the management of the present water, nearly 5000*l.* in frustrating his attempts in reference to water alone. The motion of the Honourable and Learned Member, to-night, is but a fresh evidence of his tactics; it is merely to harass and annoy the committee, as he has already harassed the inhabitants of the town; and I hope that, when he comes next year to solicit a fresh Bill, — which he undoubtedly will, if not bought off in the mean time, — the House will remember the circumstance of this motion, and its preceding annoyances. As a proof of the nuisance which these proceedings have been to the town, and of the profits which are to be made in this trade of parliamentary speculation, I will mention that, to buy off this Bill, the inhabitants, in addition to their past outlay,

have actually offered to pay 1500*l.* in hand, and settle an annuity of 500*l.* a-year on the promoters of the Bill, if they would abandon it, and give them peace. I cannot believe that the House of Commons will sanction such a system of exaction and persecution as that; but I hope that they will put an end, for one year at least, to proceedings which are odious and loathsome to the inhabitants of Belfast, by negativing the motion of the Honourable Member for Dublin.

Mr. DUNBAR. — If any precedent were wanting for the course adopted by the committee, I would refer to the case of the Liverpool and Manchester Railroad.

Mr. O'CONNELL. — The fact of the committee having found the preamble proved, declaring that the town of Belfast is not sufficiently supplied with water, is, I think, a strong circumstance in favour of the Bill, and a tolerably fair proof that it is as unlike a bubble as anything of the kind can possibly be. I trust the House will consider the heavy expense which has been incurred by the promoters of the Bill, and order it to be again sent back to the committee. The Honourable Member for Belfast was on that committee; and the tone he has, on the present occasion, adopted, sufficiently manifests that the Honourable Member was not a very impartial judge. There was nothing in my speech to justify the violent language which the Honourable Member has employed.

Mr. E. TENNENT. — I did not refer to the Honourable Member; I spoke of the scheme and its projectors.

Mr. O'CONNELL. — I perfectly understand the Honourable Member. But just let the House observe what the preamble is, which the parties have proved,— "That Belfast, of late years, has greatly increased in population; that the town is not, at present, sufficiently supplied with water; and that it is expedient that an additional supply should be secured." Is not that a strong case in favour of the Bill? The preamble further states, that the Marquess of Donegal and his son, the Earl of Belfast, are, with other persons, willing, and have applied to be incorporated, at their own expense, for the purpose. Such is the scheme which the Honourable Member for Belfast terms a "bubble." Now, I know nothing which less deserves that title.

Mr. M'DONALD LOCKHART. — Having been a member of the committee, — having attended its meetings every day, — and having given my best attention to the subject,—I must say that there was not a tittle of evidence adduced to show that the gentlemen wishing to be incorporated had a sufficient list; or, if incorporated, possessed the means of bringing an adequate supply of water into the town.

Mr. G. W. WOOD. — I wish merely to observe, that I do not concur in the observation of the Honourable Member for Belfast, that the measure is a "bubble."

Mr. P. THOMSON. — I hope the House will not consent to the motion of the Honourable and Learned Member for Dublin. To justify the recommittal of a Bill, very serious grounds ought to be shown. It should be stated either that the committee had improperly exercised the powers with which they were invested, or that new matters had arisen since the Report was agreed to. Unless that were done, it would be highly inexpedient to interfere with the decision of the committee. I have not heard any such grounds stated; and, on principle, I shall oppose the motion of the Honourable and Learned Gentleman.

Question, "That the Bill be recommitted," put, and negatived. — Report to lie on the table.

Templar's Estate Bill; Boulton's Estate Bill; Bligh's Estate Bill. — Reported, without amendment; read a third time, and passed.

Railway Bills. — Petition of promoters of an intended railway from Chester to Holyhead, for revision of the Standing Order requiring a deposit of 10*l.* per cent. before the introduction of Railway Bills. — To lie on the table.

Caledonian Canal. — Thirty-fourth Report of Commissioners presented (by Act). — To lie on the table.

PUBLIC BUSINESS.

PAPERS, &c.

The following copies, &c., were severally presented, and ordered to lie on the table; namely, —

Prisons.—Copy of Fourth Report (Part

II.) of Inspectors of Prisons (Northern and Eastern district) (by command.)

Lady Mico's Charity. — Return, of money received at the Colonial or other Government Office, under the name of Lady Mico's Charity, and the application thereof (Address 20th of June.)

New South Wales. — Copies of laws and ordinances passed by the Governor and Council of New South Wales, 1837, (by Act).

Slavery in Ceylon. — Copy of despatch from the Governor of Ceylon, dated the 18th of August, 1838, on the subject of slavery in that island, with copy of reply thereto (by command).

British Guiana. — Copy of correspondence relative to the condition of the Hill Coolies, in British Guiana (by command). — To be printed.

HILL COOLIES.

Mr. LABOUCHERE, in presenting "papers relative to the condition of the Hill Coolies," said: — I am anxious to correct, in some particulars, the statement which I made, the other evening, upon this subject, in answer to the Right Honourable Baronet the Member for Pembroke. I stated that the general condition of the Hill Coolies in Demerara was not one of general disease or mortality, although there was abundant proof of their having been exposed to hardships which called for considerable vigilance on the part of the Government. I have since looked more accurately into the Returns of mortality, and I feel bound to take the earliest opportunity of correcting that statement, by mentioning to the House, that, though the mortality has not been so great in any other part of the colony as on the particular estate of which mention has been made, yet the total mortality through the colony does not show that the general condition of the Hill Coolies there, is, at all, one of health. There is not a particle of information, that the Colonial Office possesses on the subject, which will not be printed, and laid before the House, in the course of a few days.

SIR JAMES GRAHAM. — I apprehend that a heavy responsibility in this matter must fall on the Government; since, by their special sanction, this importation of Hill Coolies from the East Indies into Demerara has taken place. I wish to be informed whether, under the circumstances, it is the intention of her Majesty's Government to make any proposition on the subject before the close of the Session?

Mr. LABOUCHERE. — I think it would be very inconvenient to answer that question at present. The whole information will, in a very few days, be in the hands of Honourable Members. I may also add, that the subject is at present undergoing a most scrutinising and impartial inquiry on the part of Governor Light; and, until we are informed of the result of that inquiry, I do not think it would be prudent to state what course the Government may deem it necessary to propose.

MISCELLANEOUS PETITIONS.

The following petitions were severally presented, and ordered to lie on the table; namely, —

Church Patronage (Scotland). — By Mr. GIBSON CRAIG and Mr. FOX MAULE, for alteration, — from Abbey St. Bathan's; and Rosskeen.

Ecclesiastical Duties and Revenues Bill, — By Mr. LAW, against, — from Kent; Hereford; and Bedlington.

Postage, — By Mr. DENISON and Mr. BANNERMAN, for a low and uniform rate, — from Chertsey; Goldsmith Street and Wood Street, London: Belper; and Pudsey.

By Mr. HINDLEY, — from Huntley, in favour of the proposed measure.

By LORD ROBERT GROSVENOR and SIR ROBERT PEEL, against the use of stamped paper or envelopes, — from Blackburn; and Chester.

Poor Law Commission Continuance, and Collection of Rates Bills, — Against, — from the metropolis; and St. Luke's, Chelsea (chairman).

Poor Law Unions (Gilbert's Act), — By Mr. T. DUNCOMBE, against repeal, — from Aldborough; Milby; Staveley; Ferrensby; Low Dunsforth; Tadcaster and Oxton; Barwick in Elmet union; Otley, &c. (Carlton union); and Great Ouseburn union.

Factories Bill, — By Mr. SANFORD, Mr. M. PHILIPS, and Mr. PATTISON, against, — from John Ballance; Great Coggeshall; and Manchester.

Spirit Dealers (Ireland), — By Mr. J. J. O'CONNELL, — of John Denneky, for enabling grocers in Ireland to sell spirits by retail.

Church of Scotland, — By CAPTAIN GORDON and SIR R. PEEL, for extension, — from Eccles; and Drumblade.

Indians (Canada), — By Mr. HINDLEY, — of members of the Aborigines Protection Society, for the adoption of measures for suspending or controlling the further dispossession or removal of the Indians.

Sale of Beer Act, — By Mr. SANFORD, — from Hookey, for alteration.

Army, — By Mr. E. TENNENT, — from Belfast, for enabling Presbyterian soldiers to participate in the services of their church.

Lord's Day, — By Mr. MACAULAY, — from Edinburgh, for better observance.

Refined Sugar, — By MAJOR WOOD, — of John Henry Wagentreiber, complaining of losses sustained by him in disclosing the excessive drawbacks paid to the exporters of refined sugars, and praying for inquiry.

EDUCATION.

Mr. LANGDALE. — I have been intrusted with a petition of importance, to which I beg to call the attention of the House. The petition has arisen from a large meeting of the Roman Catholics of London, assembled on the subject of education; and the object of that meeting was, to give a correct expression of their opinions, in consequence of the calumnies which had been urged against the Roman Catholics at meetings of persons opposed to their principles. It is signed by rather more than 4000 persons; and the petitioners claim for the pastors of their church the exclusive control over the education and religious instruction of their flocks. The petitioners state, that they belong to a church which is connected, by its succession of bishops, with the Apostles themselves; and they state that from these bishops, and the pastors appointed by them, they never can think of withholding the entire control of the religious instruction of their children and families. The petitioners then repel the attacks of their adversaries at numerous public meetings, and claim the most unimpeachable purity for the morality inculcated by the pastors of their church.

MAYNOOTH COLLEGE.

LORD VISCOUNT CASTLEREAGH. — I have a petition to present, Sir, from Newtownards, in the county of Down, against any further grant to Maynooth College; and, although I think it rather unfair to read the whole of a petition, nevertheless I shall follow the example of the Honourable Member who has just sat down, and do so.

The SPEAKER. — The Noble Lord is mistaken. The Honourable Member for Knaresborough has merely stated the substance of a petition. If the Honourable Member had done otherwise, I should have felt it my duty to call him to order. No Member is at liberty to read a petition at length; but he can move that it be read by the clerk at the table.

LORD VISCOUNT CASTLEREAGH. — I bow at once to your decision, Sir; but I was under the impression that the Honourable Member was reading his petition. These petitioners state, that they view with increasing alarm the efforts of the Roman Catholics in Ireland to subvert the Protestant church, through the machinations of a political priesthood, who are employing an uninstructed and superstitious peasantry in the accomplishment of the most unholy objects. The petitioners, therefore, pray that no grant whatever may be conceded for the education of men like these.

Mr. LANGDALE. — Having been charged by the Noble Lord with a breach of the rules of the House, I beg to say that I did not, in point of fact, read a single line of the petition.

THE PRISONERS IN WARWICK GAOL.

SIR EARDLEY WILMOT. — I beg to know whether the Honourable Member for Westminster will consent to put off his motion founded on the petition of Lovett and Collins, to some other day, — I would suggest Tuesday next, — inasmuch as the documents promised from the Home Office were not laid on the table until two o'clock this morning, and cannot, of course, be printed and placed in the hands of Honourable Members for some time? It is also to be observed that these men are to be put upon their trial on Monday.

Mr. LEADER. — I cannot, for one

moment, hesitate to comply with the request of the Honourable Baronet; but it really appears to me that the Honourable Gentleman the Under Secretary of State has shown himself very careless in this matter. The characters of several men are sustaining the most serious injury from decided negligence on the part of the Government. There is no reason why these papers should not have been printed and placed in the hands of Honourable Members on an earlier day. There seems to have been some design in keeping back these papers. Delay appears to be the only weapon left in the hands of the Government.

Mr. FOX MAULE. — The Honourable Baronet furnished me with these papers on Wednesday evening. I could not lay them on the table in the shape I received them; but I moved an Address to her Majesty that they should be presented to the House. In pursuance of that motion, I laid them on the table last night; they are now in the hands of the printer, and will be ready as soon as it is possible. With regard to the accusation made against the Government by the Honourable Member for Westminster, it is merely what might have been expected from him, as he allows no opportunity to escape of making such charges against them.

BIRMINGHAM RIOTS IN 1837.

Mr. ELLIS. — I beg to ask the Noble Lord the Secretary for the Home Department a question respecting certain documents which have been moved for, relating to the riots in Birmingham in 1837. I wish to know whether the Noble Lord will object to producing, not only the documents which have been moved for, but all the documents which relate to those transactions? — as such a course would be much fairer to those who have been in any way concerned in them.

LORD JOHN RUSSELL. — I have no objection, except that the documents in question are very voluminous.

DEFEAT OF THE TURKISH ARMY.

SIR ROBERT PEEL. — I beg to ask the Noble Lord, although I have not given the usual notice, whether her Majesty's Government have received any information, on which they can rely, relative to the late events in Syria, and the reported defeat of the Turkish forces?

LORD JOHN RUSSELL. — The Government have received information, not in any great detail, but perfectly authentic, of the total defeat of the Turkish army by the Egyptian forces, with the loss of all their cannon, as stated in the public accounts.

BANK OF IRELAND ACTS.

On the motion of the CHANCELLOR of the EXCHEQUER, the House resolved itself into a committee on this subject.

Question proposed, "That it is expedient to continue, for a limited period, to the Governor and Company of the Bank of Ireland, certain of the privileges now vested by law in that corporation, subject to such conditions as may be provided by an Act to be passed for the purpose in the present Session of Parliament."

Mr. O'CONNELL. — I wish to know from the Chancellor of the Exchequer, — as the Right Honourable Gentleman has talked of giving to the joint stock banks the power of having houses of business in Dublin, — whether they are to be permitted to receive deposits?

The CHANCELLOR of the EXCHEQUER. — When I lay the Bill before the House, the Honourable and Learned Gentleman will see that joint stock banks, not issuing paper money, will have full power to execute all the ordinary functions of banking. But houses of business in Dublin of joint stock banks, having branches in the country, will not be allowed to receive deposits. I merely state, now, that I mean to introduce this provision, but I will not enter into any argument upon it.

Mr. O'CONNELL. — I did not expect that the Right Honourable Gentleman will be able to adduce any argument against allowing them to receive deposits. I shall now, however, confine myself to the question before the House. The Chancellor of the Exchequer stated, last night, that there had been no contract entered into between him and the Bank of Ireland. Unfortunately for him, however, persons immediately concerned have shown a document as like a contract as anything can possibly be; so like, indeed, that it would be very difficult to show that they are not identical; and the effect of it, accordingly, was, that bank stock rose 3 per cent., even before the Right Ho-

ıourable Gentleman made his statement o this House. That such a document loes exist, purporting to be a contract, : am warranted, from the information I ıave received, in stating. That it is not ı contract, I am ready to admit, — the Chancellor of the Exchequer having ıtated that it is not; and, of course, what the Right Honourable Gentleman ıtates, I do not dispute. But I do say there must have been neglect somewhere, in putting it in the power of these persons to give a favoured few the opportunity of thinking, and believing, and causing it be believed, that such a contract existed. The question of the resolution before the House lies in a very narrow compass; it is not a question of free trade in banking, but one, simply, of the continuance of the monopoly of the Bank of Ireland. The Chancellor of the Exchequer argues that, if joint stock banks are allowed to issue notes in Dublin, they will be unable to manage the concerns of their branches in the country; yet the Bank of Ireland is in this very predicament of having branches in the country, and, at the same time, issuing notes in Dublin, and having the exclusive circulation of the metropolitan circle. If the argument against joint stock banks be of any value, is it not equally strong against the Bank of Ireland? I will give no vexatious opposition to the measure of the Chancellor of the Exchequer; but I mean to take every fair step to prevent it passing into a law, before the country is apprised of its nature. The continuance of the monopoly can only be justified by showing services rendered to the public by the Bank; which the Chancellor of the Exchequer has failed to do. I will mention one fact, as illustrative of the accommodation which it affords to the public. Notwithstanding the existence of the Bank of Ireland, Bank of England notes are constantly at a discount in Dublin. The Bank of Ireland gives no remedy for this depreciation of Bank of England paper. Although Bank of England notes are a legal tender in Ireland, those who receive them, in return for Irish produce sold in England, have no means of realising them through the intervention of the Bank of Ireland. I can understand the principle of having but one Bank for the two countries; but this system of two independent Banks, intrusted by the state with exclusive privileges, as being the only parties qualified to regulate the circulation, and yet acting without concert, and on different principles, is an utter absurdity. The panic of 1836 was caused by the Bank of Ireland having fallen, as admitted by the Chancellor of the Exchequer, into the error of lowering its rate of discount at the very time that the rate had been raised by the Bank of England. From the evidence before the committee, it appears that the Bank of Ireland directors had no correspondence or communication with the Bank of England, which could have enabled them to regulate the currency, and that they were utterly ignorant of the disturbing causes which made it necessary for the Bank of England to limit its operations. I will take the sense of the House against this plan, now, and upon every other legitimate occasion; and will oppose, as far as I can, the deception which has been practised on the people of Ireland, who, until three weeks ago, were kept in ignorance of the present plan.

The CHANCELLOR of the EXCHEQUER. — I confess that, but for two circumstances, I should be perfectly satisfied to let this debate pass without offering one word. But, in justice to myself, it is absolutely necessary that I should immediately follow the Honourable and Learned Gentleman. The Honourable and Learned Gentleman has a very convenient mode of dealing with personal charges. This is the second instance,—for he did the same thing last night,— in which, while he suggests personal charges, he states his own readiness not to believe them to be true. But the impression conveyed to the public, by what has fallen from the Honourable and Learned Gentleman, is an impression inconsistent alike with my private honour and my public duty. Therefore I am called upon, in the most distinct and unequivocal manner, and with the boldest contradiction which one individual can give to another, to deny, in every part and every term, the suggestion of the Honourable and Learned Gentleman. The suggestion of the Honourable and Learned Gentleman amounts to nothing short of this, — that I, in my official capacity, whilst I stated to this House that I had entered into no engagement with the Bank of Ireland, had actually given or subscribed that which, as he says, was tantamount to a contract in the shape of a written paper; and that I had communicated to those whom he designates as a favoured few, information which they were enabled to turn to their own private profit. It is perfectly true, as the Honourable Gentleman says, that, because this is inconsistent with my statement last night, therefore he is bound — in charity — to disbelieve it. But, if he disbelieve it, he had no right to

make the charge. If he did believe it, it was not by a mitigated assertion like that which he has now made, that he should have brought it forward,—but he should have laid it in a distinct and unequivocal shape, in which I could have grappled with it; because the character of a public man is public property in this country; and any individual, base enough to turn his official knowledge to the pecuniary benefit of a single party, would be not only unworthy of holding office under the Crown, or a seat in this House,—but, unworthy of the respect or consideration of any person whatever. Therefore, I call on the Honourable and Learned Gentleman to bring forward evidence in support of what he has stated. I will not allow it to remain as a mere suggestion or insinuation; because elsewhere, and possibly here, it may be said, that the hinted disclaimer of the Honourable and Learned Gentleman is a mere parliamentary and equivocal compliment. It is matter intended to cast a foul and false calumny on my personal character, and I call on the Honourable and Learned Gentleman to bring it distinctly forward. The imputation that an individual, who fills the office which I hold, had been capable of using his financial knowledge to make communications, for the purpose of affecting the value of the public securities, is an imputation from which I should have supposed that the character of public men, for the last fifty years, would have been, in the judgment of any one but the Honourable and Learned Gentleman, a sufficient protection. I shall now state the whole transaction, as it occurred, and mention to the House the persons who were witnesses to it, and whom I invite the House to examine. I stated, last night, that, so far from entering into any contract with the Bank of Ireland, as had been usual on previous occasions of this kind, I had abstained from any communication whatever with the Bank while my plan was in preparation. The preambles to former Bills like that which I am about to introduce generally state that the Act is passed with the consent of the Bank; whereas I have left it blank in this Bill, to be filled up in committee, because I prepared the plan without the concurrence of the Bank of Ireland. I will tell the committee precisely what I did. When the Honourable Member for Kilkenny gave notice of his motion on this subject, I asked him to postpone it, until I should have had an opportunity of communicating with certain members of the Bank of Ireland, whom I had requested to come over to England. Those members came, and I had interviews with them, as I also had with a deputation from Drogheda, with a deputation for the Provincial Bank of Ireland, and, in fact, with all who applied to me for information. When I had prepared my plan, I communicated it to all persons who were interested in the subject. The deputation from Drogheda, on which the Honourable and Learned Gentleman himself attended, received a most complete description of it. The Honourable Gentleman who represents that town, and the Honourable Gentleman sitting next to him (Mr. Redington), will be able to say whether I did not frankly and unreservedly state to them the details and principles of my plan. I made the same statement to the Governor of the Bank of Ireland, and to the deputation from the provincial banks. I, however, informed the gentlemen connected with the Bank of Ireland, that I would not enter into a contract of any sort or kind with them, and that they were not even at liberty to bring it before the court of directors or court of proprietors, until the opinion of the House of Commons had been pronounced on the subject, and the decision of Parliament taken. This was the simple transaction, as it happened. The gentlemen connected with the Bank of Ireland received the same information as the gentlemen connected with other establishments. I should have acted unfairly, and inconsistently with every feeling of common justice towards the Bank of Ireland, if I had excepted it from the course I had pursued with regard to other bodies. This is precisely and accurately what took place; yet, upon those facts, the Honourable and Learned Gentleman has founded the suggestion that I entered into a contract with the Bank of Ireland, which was communicated for the benefit of a favoured few, and by them turned to their own advantage. The gentlemen with whom, on the part of the Bank of Ireland, I held communication, were — Mr. Wilson, the present governor, — than whom a more honourable and respectable gentleman does not exist; Mr. Arthur Guinness, — well known to Members of the House, and to the whole mercantile community of Dublin; and Mr. Corr. I invite the House to summon these gentlemen to its bar, and to ascertain from them whether a single word passed upon that occasion, which could justify the insinuations of the Honourable and Learned Gentleman. I almost beg pardon of the House for making this defence.

[Cries of "Hear, hear!"]

I do not believe that an assembly of

gentlemen, having the feelings of gentlemen, can suppose, that a man in my position would be guilty of the conduct which has been suggested on this occasion. I am, nevertheless, convinced that, unless I had taken this opportunity of confuting as well as denying the imputation, I should have heard of it again; and it would have been made matter of reproach to me that I had left it unrefuted. If I were not sensitive upon points like these, I should be unworthy of the office which I hold. The Honourable and Learned Gentleman has said that the panic of 1836 was created by the misconduct of the Bank of Ireland itself. I do not hesitate to admit that the conduct of the Bank, in continuing a low rate of discount when the rate had been raised by the Bank of England, was entirely without defence. But if, instead of being controlled by the Bank of Ireland, the circulation had been, then, at the mercy of joint stock banks, conducted on the principles of the Agricultural Bank, — or under the auspices of Mr. Mooney, and other such persons, calling themselves bankers, — the result would have been ruin and confusion throughout the two countries. As to the Bank of Ireland being ignorant of the causes which influenced the conduct of the Bank of England at that time, their ignorance, it was only to this extent, — that they were not aware of the state of the American securities. They ought, certainly, to have regulated their proceedings by observing the rate of discount at the Bank of England, the state of the foreign exchanges, and the amount of specie in the coffers of the Bank of England. But I do not know that it was part of the duty of the Bank of England to communicate the exact state of certain securities; although the other points to which I adverted are the exponents to which every sound banker should attend. I do not seek to justify the Bank of Ireland, nor do I ask the House to adopt this measure for the purpose of favouring that establishment. The rights of the Bank of Ireland are unimportant to me, except in so far as the public interest is concerned. I should be sorry, therefore, to be considered in the light of an advocate. I know nothing of the individuals who compose that corporation, but have been rather an opponent of theirs, — nay, more — a rival in trade; but I place no value on any such consideration, when I come to consider the question of the public good. The Honourable and Learned Gentleman has adverted to the subject of the Bank of England notes being at a discount in Ireland, notwithstanding that they are a legal tender. The Honourable and Learned Gentleman seems to think that this depreciation must arise from some delinquency on the part of the Bank of Ireland. But the cause is very obvious: Bank of England notes in Dublin, like other securities, if their amount exceed the demand for them, will very naturally be at a discount; if the demand for them exceed the amount, they will bear a premium. The Honourable and Learned Gentleman seems to think the Bank of Ireland ought to take these notes, because they are a legal tender. I will explain the state of the law. When Lord Spencer introduced the Bank Charter Act, he introduced a clause, much discussed at that time, making Bank of England notes a legal tender in all places, except at the counter of the Bank itself. It was not Lord Spencer's intention to extend this to Scotland or Ireland. It would not have been consistent with his principles so to extend it; nor consistent with the arguments used in a declaration made by him, both then and subsequently. He thought that, inasmuch as the notes were convertible into gold, they might be made a legal tender everywhere but at the Bank itself. But, in Ireland, the case is different. An individual at Tralee or Dundalk cannot, by stepping over the way, obtain specie for a Bank of England note, and, on the strength of that facility, constitute it a legal tender; such a case would amount to a qualified Bank restriction. The same reason applies against making their notes a legal tender in Scotland, — they not being, by law, convertible into gold, except in another country. In the year 1834 or 1835, after the passing of the Bank Charter Act, the question arose first, and grave doubts were entertained as to whether Bank of England notes were not a legal tender in Ireland. The Honourable and Learned Gentleman, himself, gave an opinion that they were. The Attorney General, the Solicitor General, and Mr. Serjeant Spankie were of the same opinion; but very high legal authorities gave their opinion the other way. Now, the law officers of the Crown having decided that these notes were a legal tender, the Government adopted that construction, so far as to direct them to be received in payment of the revenue. This, however, could not remain a permanent principle. It was applicable enough to England, where there was nothing less than a 5*l.* note in circulation; but totally inapplicable to Ireland, where there was a circulation of small notes. It would be, probably, productive of forced issues, — a result, above all others, to be avoided. In the Bill which

I am about to introduce, it is my intention to put an end to this question of a legal tender, so far as Ireland is concerned.

Another of the grievances complained of by the Honourable and Learned Gentleman, is the precipitancy with which I have hurried on my measure. Upon this point I would beg to call the attention of the House to a document which I hold in my hand, taken from a Drogheda paper, and giving an account of what lately took place in that town. It names several Honourable Gentlemen on both sides of the House, in a manner which will interest their curiosity, if it be not altogether gratifying to them. A deputation came over from Drogheda, and was introduced by my Honourable Friend who represents that town, and who spoke so ably last night. I explained to them my plan. They came to oppose the Bank of Ireland. When they heard my plan, they returned to Drogheda and called a meeting, at which the mayor took the chair, to give a report of their proceedings. If they had reason to complain of the lateness of the period of the Session at which I brought forward my measure, would they not have been the loudest to complain? They did no such thing. Did they complain of my plan? The House shall hear. The mayor, on taking the chair, said, —

Gentlemen, as one of the deputation sent to London, to communicate with the Chancellor of the Exchequer on the Bank of Ireland monopoly, Dr. Atkinson and I think it our duty to lay a statement of the proceedings before you. On arriving, we at once proceeded to business, and our first visit was paid to Sir William Somerville, who seemed to have a good feeling towards us. Through his influence, the following Tuesday was appointed by the Chancellor of the Exchequer as the day on which we could have an interview with him; and, accordingly, we went, accompanied by Sir William Somerville, Mr. O'Connell, Mr. Hume, and Mr. Redington, and laid our views before him. We found his tone very different from what we had expected; he yielded completely; and, in fact, gave us more than we had reason to hope for. Dr. Atkinson will now give you every information relative to our interview with the Chancellor of the Exchequer.

Dr. ATKINSON. — Gentlemen, the mayor has informed you of our preliminary proceedings; and I will now detail to you, as satisfactorily as I can, our interview with the Chancellor, and its results. We endeavoured to do as much as possible by remonstrance and solicitation; and, if not successful by these means, we were determined on resorting to open hostilities Our first thing was to solicit an interview with the Chancellor of the Exchequer, which we obtained through Mr. O'Connell; and, accompanied by him, Mr. Ashton Yates, and several other gentlemen, we waited on him. At this time he had made up his mind that there should be no change in the existing regulation, — that things should remain as they now are, — namely, that no bank within fifty miles of Dublin, having more than six partners, could issue notes, or sue and be sued. Before we left the room, we got him to agree to the establishment of joint stock banks, in any part of Ireland, having all the privileges which the Bank of Ireland now enjoys, with the exception, — that they would not be allowed to issue their own notes; and he even added, that, if he were a partner in a joint stock bank, he would rather carry on its business with Bank of Ireland notes, than the contrary. The plan he suggested is, to get paper from the Bank of Ireland at 3 per cent. Having got so much from Mr. Spring Rice, we were determined to go to hostilities for the purpose of getting more; and, accordingly, waited on several Members of Parliament: and here I may remark, that nothing can exceed the degree of ignorance on Irish affairs manifested by even the most acute and intelligent of the English Members. We canvassed, and got a considerable section of the Liberal Members to support Mr. Hume's motion on Monday next; and our next object was, to secure the support of the Conservatives, — as, if we got them, there could be no doubt whatever of our success. Mr. Ellis waited on Sir Robert Peel, who expressed great regret at being obliged to leave town, but appointed to-morrow for an interview. We have, however, got for the fifty mile district every privilege except that of the issue; and, as the Bank of Ireland might, at any time, seriously inconvenience the public by contracting its issue, we must get rid of that also, — which we are certain of doing, with the assistance of the Conservative Members. When Sir Robert Peel was asked if he would support the extension of joint stock banks in Ireland, the Honourable Baronet's reply was, — "I am rather favourable to the renewal of the Bank charter; but I think so important a town as Drogheda should not be shut out from the privilege of joint stock banks." I will conclude by observing, that the Chancellor of the Exchequer made these concessions, because he heard it whispered that we were mustering a powerful opposition to him, and supposed that we would therefore abandon it. We did not do so; in fact, our leader, Mr. Hume, who is opposed to every species of compromise, would not let us, even if we were so inclined.

I told the deputation what my plan was; and, undoubtedly, I believe that my explanation removed any previous wrong impression that might have existed. I certainly made no concession; but they considered it a concession, when they were informed that my plan would produce a variation in the system of joint stock banks, which would effect considerable improvement. The deputation took this explanation to be a concession, — and so they told the people of Drogheda. I told the deputation that I thought a great improvement might be made in the system of joint stock banks under the existing law, if they were to cease to issue paper money of their own, and if they became the circulators of Bank of Ireland paper, — by which the whole system of banking in Ireland would be placed on a much safer foundation than it now stood upon. This

would be approximating to a central and united issue of paper money; and the question hereafter would be, whether, the nearer we approximated to that point, the safer and sounder would be the banking establishments of the country? In the whole of the proceedings of the meeting, there was not a complaint with respect to the time at which this measure was to be introduced; there was no complaint of their being uninformed as to its details; there were no objections made to the plan, so far as it went; on the contrary, they claimed the measure as their own; and as Mr. Canning, on a certain occasion, said, "That is my thunder," so the deputation said, "This is our Banking Bill." As to the complaint of the Honourable Member for Kilkenny, with regard to the lateness of the Session at which this modified and temporary measure is to be passed, that complaint, I must say, comes with a very bad grace from that Honourable Member, who, himself, in a letter dated the 14th of July, declared that, on the 23d, he was to bring forward a motion, which had for its object the entire *bouleversement* of the banking system in Ireland. I beg to thank the House for the indulgence they have shown in listening to this explanation; and I will only add, that the convenience of those Gentlemen who oppose the measure shall be consulted, with respect to the period at which the further progress of the measure shall be fixed to take place.

Mr. O'CONNELL. — Sir, the Right Honourable Gentleman has accused me of making an unfounded attack upon him. I do not shrink from a single word which I have said; neither has what has fallen from the Right Honourable Gentleman made any difference in my opinions upon this subject. I do not believe that any one but the Right Honourable Gentleman himself would suppose that, when I talked of a favoured few, I alluded to persons who were favoured by the Right Honourable Gentleman. There were two parties to the arrangement, and each might have favourites. The words "favoured few" seem to have been excepted to, merely as an excuse for declamation, or that which was intended for declamation, by the Right Honourable Gentleman. But what I stated I will repeat,— namely, that the arrangement in question was conducted in so loose a manner, that, although no contract was entered into, such a document did pass as enabled certain persons to avail themselves of it to the extent of a rise of 3 per cent. in Bank stock. I have this upon authority which — although I am not at liberty to quote it — is sufficient to convince my own mind that the transaction was conducted in that way. To that statement I adhere; but I have not, for a moment, attempted to insinuate that the Right Honourable Gentleman had entered into a financial arrangement, in order to enhance the profits of individuals. As to the Drogheda document, which the Right Honourable Gentleman has read, I wish him joy of it. If the report be a true one,— and there is nothing to vouch for its accuracy, — this deputation was composed of the silliest men whom the community could produce. Those worthy gentlemen, — high Conservatives, — came over here to oppose the scheme of the Chancellor of the Exchequer; they attended the meetings of the other deputations; and never were men more indignant than those were at the course proposed to be taken by the Right Honourable Gentleman. They even talked of the necessity of the Conservatives participating in my anxiety for the repeal of the Union. They went home exceedingly angry and dissatisfied; but it appears, if the report be true, that there was a singular change in their tone when they got back to Drogheda. But I again ask, what business had the Right Honourable Gentleman to bargain with the deputations? To be sure, the Right Honourable Gentleman guarded himself by saying that he did not pledge himself to anything that might pass in conversation; and then he went on to ask, "Suppose the limits of the Bank of Ireland monopoly, or privilege, were confined to a circle of twenty miles, would there be any objection, with this condition, to the renewal of the Bank charter?" The deputation, at once, assented to that proposition, as it would have enabled the towns of Drogheda, Dundalk, Newry, and other towns to be placed on the same advantageous footing as Belfast. The deputation, and I, myself, went away with the conviction that this was the feeling of the Right Honourable Gentleman; and that the only reason why he did not pledge himself to it was, that there must first be a resolution of the Cabinet. I stated publicly, in a letter, that this was my conviction. I therefore was deceived; the people of Ireland were deceived; and I repeat again, that, until within these three weeks, I have remained labouring under that deception. When I first heard that the Right Honourable Gentleman was about to renew the Bank of Ireland charter to its old limits of fifty miles, I did not believe it; I thought, after what had occurred, that such a thing was impossible.

Mr. REDINGTON. — I am surprised to find the opinions of the Chancellor of the Exchequer so different, in the present year, from what they were in the last. As to the impression created in the mind of the Honourable and Learned Member for Dublin, by what occurred at the conference between the Chancellor of the Exchequer and the deputation, I must be permitted to say that my own impression was precisely the same as that which the Honourable and Learned Gentleman has just declared to have been his. I cannot address even these few words to the House, without expressing my strong conviction that the exclusive privileges enjoyed by the Bank of Ireland are most injurious to the commercial interests of that part of the United Kingdom. It may be very well in a metropolis like London, which is really a metropolis, and a great emporium of commerce, to possess a bank with exclusive privileges as to issue; but Dublin is a place utterly unfit for any such monopoly.

SIR W. SOMERVILLE. — I beg to say that I also attended the deputation, and left the presence of the Right Honourable Gentleman under the clear conviction that the towns of Drogheda, Dundalk, and Newry were to be relieved from the operation of the Bank monopoly. I trust that the Right Honourable Gentleman will reconsider this subject before he adopts any contrary course.

Mr. HUME. — Sir, the Chancellor of the Exchequer has stated that I wrote a letter, expressing the object of my motion to be, to overturn the whole system of banking in Ireland. I utterly deny that such was my object; and I must say that the Right Honourable Gentleman's understanding of my letter was altogether incorrect. I recollect having been waited upon by some gentlemen from Ireland on this subject; and, amongst other portions of the conversation, I asked them, whether, if it were proposed that the Royal Bank of Scotland should have an exclusive privilege of issuing paper money within fifty miles round Edinburgh, did they think the people of Scotland would submit to it? And why should the people of Ireland submit to a like injustice? I added, that, if the Members for Ireland were as active as they ought to be, and if the people of Ireland were as zealous as the people of Scotland, it would be utterly impossible for any Chancellor of the Exchequer to succeed in carrying a measure of so much injustice. These gentlemen mentioned their intention to call upon the Right Honourable Baronet the Member for Tamworth. I recommended them, strongly, to do whatever he might tell them; that I was sure that the Right Honourable Baronet, the founder of our present metallic currency, would never agree to the proposition of the Chancellor of the Exchequer, unless it should be founded on some intelligible principles, showing that utility would result from it. I added, that I could not believe that the Right Honourable Baronet, with his experience, would sanction the continuance, for four years, of a system founded on such palpably false principles. I am very sorry that the House has not yet had the benefit of the Right Honourable Baronet's opinion; but I hope we shall hear, this evening, how far the Right Honourable Baronet thinks it wise to lose such an opportunity as the present of returning to a sounder and safer system in the case of Ireland. All I wish for is — a sounder system; and I am sorry to say that, after all the personal altercation we have heard, the question seems as far as ever from being settled on that basis. I take this opportunity of stating that, in my opinion, nothing could be more unfair than the modes in which Honourable Members have attempted to answer my speech. Among the rest, the long speech of the Honourable Member for the Tower Hamlets (Mr. Clay), describing the evils of twenty-eight different systems of banking in America, had not the slightest application to my motion. I would ask those Honourable Members, whether they have given a reason, amidst all their arguments, why Drogheda and Newry should not have the same banking accommodation as Limerick and Belfast?

SIR R. PEEL. — Sir, I am rather surprised that the Honourable Member should have undertaken to answer, so confidently, for the course which I might intend to pursue on the present subject. It is often very difficult for Honourable Members to answer for their own intentions; but, certainly, it is doubly hazardous, and quite unnecessary, I think, for them to attempt to account for the conduct of others. I really do not know exactly what the Honourable Member refers to, coupled with any proceeding in which I have participated, myself. It is quite true that, in 1819, I proposed, as a very desirable course, that the current paper circulation should be made convertible into money; but I do not see that this suggestion at all involved the principle of free trade in banking. I do not think, either, that a free trade in commercial matters necessarily includes a free trade in banking. On the contrary, in 1819, when I proposed that the notes in circulation should

be converted into gold, I did not propose to destroy the monopoly of the Bank of England; nor, again, more recently, when the charter of the Bank of England was under consideration, did I oppose its renewal. I must say that I, for one, regret that a measure of this importance should be brought on at so late a period of the Session; nor can I yet see any sufficient ground of excuse for its being introduced at this time. It is quite true that, under peculiar circumstances, the state of the country might require a measure of coercion, or a grant for an additional levy of men, to be brought suddenly forward at a late period of the Session; but upon a subject of this kind, which has been three years under inquiry, I cannot see why any projected measure should have been held back so long. I must say, also, that when so many Members are absent from town, and so much business remains unfinished upon our votes, it is peculiarly inconvenient to undertake a measure of this kind. There are twenty-eight Orders of the Day on the votes for to-night; some of these must be got through, others may be postponed; but, then, they only will accumulate the labour and inconvenience for future evenings. I really think that some mode must absolutely be adopted, of getting through the business of the House in better time, —either by adopting the practice of reference to committee, as in the French Chambers, or otherwise; but, unless something be attempted, and that speedily, to remedy the existing evil, I do apprehend that this House will lose its character with the country. In consequence of this dilatory mode of proceeding, the House, preferring party discussions to the transaction of the real business of the country, will, from time to time, resign a great portion of its constitutional authority to the discretion of the Privy Council; and thus, — not only forfeit its claim upon the respect and regard of the people, but some of the most valuable constitutional rights of the country. With respect to the question now under consideration, I confess that, although I come, practically, to the same conclusion as the Chancellor of the Exchequer, I have not been convinced by any of the Right Honourable Gentleman's arguments. The Right Honourable Gentleman referred to the difference displayed between Scotland and Ireland in banking transactions; and he said that those of Scotland are, at least, tenfold those of Ireland, and that there is greater security in the paper circulation of the former than in that of the latter. In reply to this, it may well be asked, "Then, why not adopt the Scotch system?" If there be greater capital employed, and greater security, in Scotland, without a monopoly, than in Ireland with one, certainly I cannot see that this fact supplies any reason for continuing the monopoly in Ireland. At the same time, I think it is of great importance that the question should be considered upon a wider basis; and that the effect, not only of monopoly, but of the general principles of banking, should be taken into the account. I do not say that it necessarily follows that, because the free system answers in Scotland, it should succeed equally well in Ireland. A great deal depends, in matters of this kind, upon the habits and resources of the people. I do not think the principle of the Scotch banks could be advantageously applied to Ireland; and the reason is, that the Scotch banks, it is well known, lean a great deal upon the Bank of England for a supply of gold in cases of emergency.

This is not a mere Irish question, but one which affects the monetary concerns of the whole empire; and therefore I am not prepared to throw the banking of Ireland entirely open, without a sufficient opportunity of considering this great question in all its bearings, not only as it affects Ireland, but as it regards England also, and more particularly the important question of having one bank of issue. I have listened with great attention to the observations of the deputations from the Bank of Ireland, and from Drogheda, and other parties interested in this question; and I must say that I have been very much surprised at the accounts which I have seen published in the papers, in reference to what took place at those interviews. I gave the gentlemen who composed these deputations every opportunity of freely expressing their views, and I made some observations of my own in reply; but I must own that it would be a very great restraint upon the freedom of private communication between public men and other parties, under circumstances of this kind, if a statement of what might have been allowed to pass on either side, on such occasions, were immediately to find its way into the leading article of a newspaper. I do not care one farthing about the circumstance, as regards myself; but, at the same time, there are many things which might pass in a private conversation, that I should feel no objection to have published, yet which should be published only with the consent of both parties; and it must be obvious that the slightest difference in the terms reported from those made use of might very materially alter

the sense of what was intended to be conveyed. With respect to the present proposition of her Majesty's Government, I certainly hope that the subject may be postponed till the next Session of Parliament. It is a question which must be settled within a very short period, unless you wish to get into inextricable confusion; and unless it be taken up deliberately and calmly, with the good will of the Bank of England, and at a period when there is no immediate apprehension or emergency, no necessity for immediate adjustment, — so that we can consider and decide in 1841 or 1842 what ought to be done in 1844, I know very well what will take place, — namely, that the charter of the Bank of Ireland will be again renewed for three or four years, and the great question involved in it will be left still as far as ever from a satisfactory settlement.

Mr. W. ROCHE. — I have, unfortunately, paired off, so that I cannot vote on the present occasion; but if I were at liberty to vote, it would certainly be, against the resolution as to the expediency of renewing the privileges of the Bank of Ireland.

Mr. WARBURTON. — I think it would be much better to let this question stand over till next Session; and then let a committee be appointed to inquire into the whole subject of currency and banking, in order to enable the House to legislate with certainty and effect. Meanwhile the charter can run on.

SIR J. NORREYS. — I shall certainly give the proposition of the Right Honourable Gentleman the Chancellor of the Exchequer every opposition in my power; because I think it altogether wrong that a measure so deeply affecting all who possess any property in Ireland should be brought on so late in the Session.

Mr. VILLIERS. — I rise, Sir, to vindicate my vote for the motion of the Honourable Member for Kilkenny, last evening, and to express my intention to support him, if he should divide the House, again, to-night. I am induced to do so from the misrepresentation of the object of that motion, which I have heard this night. What, I ask, is the motion of the Honourable Member for Kilkenny? Why, that the objectionable privileges of the Bank of Ireland ought not to be continued. I consider that they are objectionable; they have not been justified by any person who has spoken; nothing has been adduced in their favour; and I have asked in vain for a reason in favour of their continuance. But I support the Honourable Member for Kilkenny, because I vote for what he intends, and not for what others impute to him. For I have heard, with surprise, the attempt that has been made to confuse the specific objects which his motion contemplates, with all that the House may find it difficult to understand, or to which it is opposed; and language and phrases have been used, purposely, as it seemed to me, to discredit what he recommended, and to mislead the judgment on the subject. "Oh!" it is said, "if you vote for the amendment of the Honourable Member for Kilkenny, you are voting for free trade in banking, — and a pretty thing that is; that is, allowing any man, at any place, under any circumstances, to deal in money as he likes." That is the Chancellor of the Exchequer's definition, this evening, of free trade in banking. I have been astonished to hear my Honourable Friend, the Member for Bridport, talk in the same strain, when I think he could not have helped seeing that, however clear his own ideas were, he was profiting by the delusion which his auditory were under on the subject. Now, I am for free trade in banking; and yet I am not for that wild, vague sort of thing, which has been conjured up to frighten and delude people. Now, what is the first thing the friends of free trade in banking contend for? Why, that no private company in the same trade should be clothed with exclusive privileges. That is the first test whether there be free trade, or not; — ay, whether there be some company so privileged as to operate to the prejudice of private traders, — being, itself, subjected to no control over its private interests, so as to secure its operation for public good. When such a company as that exists, there is no free trade in banking; and it is when such exclusive rights to particular traders are withdrawn, that free trade begins. But I contend that there is nothing inconsistent with freedom, in the condition of all engaged in the same trade being equally subject to some restrictions.

An HONOURABLE MEMBER. — That is not free trade.

Mr. VILLIERS. — Yes, it is; for no system is entirely without some restriction; and I contend that it depends upon the nature of the restriction, whether or not the trade can be considered to be free. The law may wisely take security against fraud, where the public cannot protect itself; and the question here is, how far the public ought to be protected or watched

by the law? Now, this involves the question of the principle on which banks may be rendered safe by law. Well; what is it that the Honourable Member for Kilkenny contends for? Why, a right to issue paper convertible into gold on demand, and that such paper should not be made legal tender. But is this a new fancy? — is this a mere theory of that Honourable Member? — or is there anything that justifies the ridicule of such a principle? Why, this is the very principle which is recommended by all the thinking men, —all the writers of note, all the statesmen whose names we quote with respect in this House, — who have considered the subject. It involves the whole question of the paper currency, and a safeguard against its abuse; and it is that safe and economic system recommended by the Bullion Report, and known to have been sanctioned by the opinions of Mr. Horner, Mr. Huskisson, Mr. Mill, and Mr. Ricardo. They sought out the causes of depreciation of paper in their day, and they found it in the non-convertibility of paper into bullion; and they declared their opinion that the convertibility on demand is the safe and efficient check against over-issue and against depreciation. But it seems there are new lights, now-a-days, who have sprung up, and who tell us that this is no security, and that there will be over-issue and depreciation, whether notes be convertible or not; and we are referred by the Honourable Member for the Tower Hamlets to America, to prove it. Now, I say, in answer, that such a system as I have described has not been fully tried either in America or in this country. I say, —not in America, by the Honourable Member's own showing; for he has told us that if a banker do not pay his notes on demand, he is not, as in this country, made a bankrupt and ruined, but that he may pay interest upon the note he has refused at 24 per cent.: but that ability is a very different thing from committing an act of bankruptcy, as in this country, and might operate very differently upon the prudence and caution of an issuer of notes. Again, I tell him that, in many respects, these notes have been made legal tender in America. The Government receives them in payment of taxes. And, again, let me say, that the chances of panics are far less, there, than in this country, a circumstance which may have given to bankers, but only as it does to all others engaged in trade in that country, a peculiar hardihood in their mode of doing business. Again, I say, that nobody has a right to refer to what has occurred here as against freedom in banking, when we have had a large privileged banking company constantly acting upon the trade; and by their power, and by their capricious, irregular dealing with the currency, disturbing all the calculations which the unprivileged might have recently made: for I would ask anybody, in common candour, to say, whether the crises in commerce, whether of panics or of distresses, which have periodically occurred in this country, have not been, upon the most striking occasions, more often traced to the irregular proceedings of the Bank of England, than they have to the imprudence of private banking companies?

Where, then, is the experience to which any man could refer against that properly secured and free system, which I contend, on the authority of much greater men, — men far more worthy of attention than I can pretend to be, — ought to be adopted? There is none; and the objection rests on speculation, and not on experiment. It is said that there has been an over-issue of paper money, notwithstanding its convertibility: but, if it be granted that this may have occurred at particular times, and in particular cases, that does not affect the argument; for it has not happened for any lengthened period, — and has not so happened, because that check has been sufficient to prevent its doing so. And now I will venture to state to the House how the check operates. It is thus; — that if paper be forced into circulation beyond the wants of the community, that paper becomes depreciated; but that paper being so depreciated, it becomes the object of some persons to avail themselves of the right which, on the face of that paper, is given to the holder, — namely, to demand gold in exchange for it: and does anybody suppose that this would not occur in a country like ours, where it is the business of man, from morning to night, to see how he can turn a penny to account, —to buy up depreciated paper, and demand gold for it? and would not the issuers of the notes soon know that such would soon be the case? and would not that conviction make them careful? Why, the thing was done during the war, and there was literally a trade in buying up depreciated local notes, in order to get gold for them. But then it will be said, what is the proof of the currency being depreciated? Why, whether I look to the rule laid down by the monopolists themselves, or consult my own reason, I should say that the exchanges are, at once, an indication of that; for they will mark what must always be the inevitable consequences of depreciation, — namely, the fact of gold leaving the country. I say, that that is notice to any banking esta-

blishment in the country to be on their guard; and by all but a privileged body, which depends on something else besides its own prudence to guide it, it would act as such. But does anybody, I will ask, stand up for such monopolies in banking as we have had in England and Ireland? No; all denounce them: then, what is the excuse for continuing them? Why, some Honourable Members say, "Oh! do not do anything this year; let us go fairly into the subject next Session; and then we will all come to some conclusion, and agree upon some uniform safe principle on which the banking of the empire should be rested, which will be permanent and applicable to every part of the country!" But I wish to know what chance any one believes there is, that the House will be more disposed or more competent, next Session, to discuss or to decide this subject, than they are at present? or why more in 1843, as some propose, than in 1840? Why is it that you are discussing the subject at this period of the year, and yet that everybody is shrinking from it? Why, because it is a distasteful subject to the House, — because Members are uninformed about it, — because it appears difficult to understand,— and because the mass of the constituencies will not be critical upon the conduct of a Member on such an occasion. Well, then—why is this state of things to be different, two years hence? Why, I ask, was the charter of the Bank of England renewed when it was? Was there any doubt about its mischief or its impolicy at the time? Look at the discussions four and five years before it was renewed; — can anybody suppose that the subject was not fully understood, then, by some men? — and was not the renewal then deprecated even more strongly than it is now? — and yet, was not the state of the House and the inclination of the minds of its Members such, that, amidst the pressure of other business, they suffered it to be renewed? And so surely will it be renewed again in 1844, as the Bank of Ireland charter is about to be renewed again now for four years avowedly, and, as I firmly believe, for ten years after that. Nothing will prevent this result but extreme vigilance on the part of some Members of this House, and on the part of the public. But, under these circumstances, do not omit to avail yourselves of this God-send of the natural expiration of one of these mischievous monopolies, to show that it is not really your intention to perpetuate so great an evil upon the country. Nothing can recommend its continuance, but its resting upon some settled recognised principle of policy, or the experience of some practical benefits which the country has derived from it: and I ask any man to say, honestly, whether he believes that the Irish Bank is based on any principle that can be defended? and, if not, whether, in spite of all the evidence which you have collected, and the declared sentiments of the representatives of that country, you can believe that it has been of any practical advantage? Under these circumstances, I do beg of the House to consider how far they are justified, without any urgent necessity for it, or without the pretence of any immediate evil from ending it, being alleged, — in continuing a system that is to exercise so pernicious an influence upon the most important interests of the people of Ireland.

Mr. ELLIS (Newry). — Sir, I am anxious, now, to seek a brief indulgence from the House, seeing that I was precluded, last night, from making any observations on the grave question under consideration, owing to the Chancellor of the Exchequer having anticipated me in rising, with the view of replying to the entire debate which had then taken place. My constituents are much interested in this question. The Right Honourable Gentleman read an account of a meeting lately held in Drogheda: in consequence, however, of the copious remarks that were subsequently made by Honourable Members, and the manner in which they were able, upon personal and well-established information, to dissect the statement and expose its incorrectness, — I cannot congratulate the Right Honourable Gentleman upon any advantage which he has gained, by relying upon his newspaper authority. As my name figured, amongst others, in that publication, I will simply state to the House, that, having been naturally called upon, as the representative of Newry, to attend the Drogheda deputation, first to the Chancellor of the Exchequer, and next to Lord Melbourne, — and, in consequence of the unsatisfactory replies which they obtained from both those quarters, the Gentlemen from Drogheda, being anxious to have an interview with the Right Honourable Baronet the Member for Tamworth, asked me whether I thought it would be agreeable to the Right Honourable Baronet to meet their wishes;—I replied, at the time, that I did not know; but the same day I accidentally mentioned the circumstance to the Right Honourable Baronet, who stated he was about to leave town for a short time, and that, upon his return, he would grant the deputation an interview. Accordingly, that interview took place. I was not present. The gentlemen had an

opportunity of imparting their views and information to the Right Honourable Baronet, who listened to them attentively, and with his usual urbanity and courtesy. Such was the humble part that I took in the proceedings, which led to that interview. I did so from a sense of duty, and, particularly, because this could not in any way be considered a party question. The question which we have now to debate is, whether or not we should renew the exclusive privileges, with certain modifications, of the Bank of Ireland? The Chancellor of the Exchequer, in the opening portion of the speech which he delivered last night, remarked that, throughout the whole Session, a question of more vital importance, as affecting the interests of England, no less than those of Ireland, had never been introduced. I cannot, now, forget that we are discussing the propriety of renewing the charter, on the 26th of July; and I rejoiced to hear the Right Honourable Baronet condemn her Majesty's Ministers for having delayed, for so unreasonable a time, the introduction of this measure. The Bill having vegetated in the mind of the Chancellor of the Exchequer for nearly four years, and being allowed to be of such absorbing interest, I do wonder that it was not made one of the topics in her Majesty's Speech at the opening of the Session, except indeed, that then it would have afforded another more public proof of the fact, that the more important the Government consider any measure to be, the more tardy are they in bringing it to maturity. Sir, I cannot fathom the principle upon which the monopoly in favour of the Bank of Ireland was first created, much less why it should now be continued. At any rate, the reasons are stronger, now, against its continuance, than they were against its creation; for when the money transactions of the country were limited, and supplies of corn and Bank notes were chiefly looked for, as to be drawn from the capital; some shadow of a reason might have been advanced for conferring exclusive privileges upon the Bank of Ireland. But the great strides since effected in commerce,—the vast and immeasurable extent of business,—the increased and increasing enlightenment of the age,—render the system of exclusive monopoly far too narrow-minded a policy to be at all adequate to the cumulative wealth and new wants which have arisen in the empire. If there were any argument at all for such a monopoly, it might be brought forward with equal or stronger force in favour of Liverpool, whose industry, commerce, and wealth may well challenge a comparison with those of Dublin. The Bank of Ireland does not regulate the exchanges,—that is done by the Bank of England, which has difficult and different functions to perform; they have a large national debt, an enormous unfunded debt, to deal with; and these are some reasons, therefore, why they should possess a control over the circulation of the paper money of the country. Whilst monopoly in any shape is to exist, let it be confined to the Bank of England, which can regulate the currency, much better,—single-handed,—than in connection with the Bank of Ireland; for it is in evidence that the latter, at one time, by its imprudent conduct, greatly distressed the former, by not simultaneously raising its rate of discount. The Right Honourable Gentleman has expressed an opinion in favour of a uniform and central issue. I concur in that opinion; but the Chancellor of the Exchequer is departing from that principle, in seeking to revive the exclusive privileges of the Bank of Ireland. The Right Honourable Gentleman feels that the pinching part of the question is to be found in the satisfactory manner in which the principle of joint stock banking is carried on in Scotland. Let the House reflect upon the evidence which was given in proof of the wholesome workings of that principle, in the correspondence which took place in 1826, between the Treasury and the Bank of England, relative to an alteration in their exclusive privileges. Referring to the great distress which had then been felt in the money market throughout the country, the Lords of the Treasury observed,—

> We have a further proof of what has been advanced, in the experience of Scotland, which has escaped all the convulsions that have occurred in the money market of England for the last thirty-five years, though Scotland, during the whole of that time, has had a circulation of 1*l.* notes; and the small pecuniary transactions of that part of the United Kingdom have been carried on exclusively by the means of such notes. . . . . The failures which have occurred in England, unaccompanied, as they have been, by the same occurrences in Scotland, tend to prove that there must have been an unsolid and delusive system of banking in one part of Great Britain, and a solid and substantial one in the other.

What is to prevent the introduction of the Scotch system into Ireland? What would be viewed as an impediment in the way of it, instead of any effort being made, even gradually, to approach it? The fresh revival of the charter of the Bank of Ireland. By a glance at the whole of their proceedings, it will be seen that selfish, and not public, interest has been the moving principle of the Bank of Ireland. That establishment, I can show from Parliamentary Returns, makes by legitimate banking 116,207*l.*, only, per an-

num, and 253,013*l.*] by other means. Is it just or rational that such a system should be continued? Now, Sir, the Right Honourable Gentleman, last night, quoted from a pamphlet, but in a most unfair, garbled, and unstatesmanlike manner, supposing, no doubt, that the debate would then conclude, and that no one would have an opportunity of detecting him. After reading a paragraph, and carving out of it extracts favourable to the Bank, he entirely omitted the remaining portion, which told quite the other way, and in which the Bank was described as being "indifferent alike to the public prosperity or distress, equally insensible to pity or generosity, and as the vampire of the national weal." Now, was this fair dealing towards the House on the part of the Chancellor of the Exchequer? If the opinions of the writer are of some authority one way, they are entitled to as great weight the other. To show the working of the Bank system, I will take the case of Newry. According to the Report of the Irish Railway Commissioners, its population exceeds 13,000, and its export and import trade is of the value of 1,135,547*l.* Till 1826, it had no accommodation from the Bank of Ireland. Its commerce had been steadily increasing; but of late years the Bank of Ireland had gradually decreased its accommodation. In 1832, the total average discounts of the Bank of Ireland were 293,800*l.*, on which they charged 14,020*l.* interest; while, in 1836, the discounts amounted to only 162,600*l.*, with 7890*l.* interest. Newry affords but one instance of the way in which other good trading towns in the North of Ireland have been treated, and actually driven to remote places for banking accommodation. It is a mistake to say, that to refuse to renew the charter is to sanction an unchecked system of joint stock banking. Over and over again the Chancellor of the Exchequer has been told that parties are willing to enter into any reasonable security he might propose for placing the joint stock banks on a sound footing. Another great mistake is, to suppose that, because the Bank of Ireland, as an association of individuals, has done an excellent banking business, it is not open to observation and censure when viewed as a national establishment. It has been endowed with vast immunities for the public good, but the public has suffered by the monopoly, whilst the Bank has fostered its own private interests. By the last official Returns it appeared that there was 1,500,000*l.* of public money in that establishment, for which no interest was paid; and at the same time the Chancellor of the Exchequer borrowed 2,500,000*l.* at 4½ per cent.; so that the country subscribes 115,000*l.* annually for money, over which it ought to have a complete control. In conclusion, I think that, by every means in our power, we ought to encourage the introduction of capital into Ireland; but you will not treat that country fairly, if you consent to renew the privileges of the Bank of Ireland. One thing is clear, — that the greater the number of banks you establish, the more limited becomes the district of each, and the less the shock to public credit when failures take place. The Irish are accused of being improvident. Let us induce the middle classes to deposit their money in banks, instead of devising means of expending it, so soon as they have gained any, — frugal habits will be formed, and, along with them, their morals will become improved. In this way, and by throwing the monetary transactions of the country into sound and legitimate channels, you will develop the resources and promote the prosperity of Ireland.

Mr. O'CONNELL.— The Right Honourable Member for Tamworth made an observation which, I think, deserves our attention; and that was, that the questions of banking, as they affect the entire empire, ought to be tried at once. That might be very well done by taking up the subject early next Session, and reserving the present Bill for that time. I should hope there would then be sufficient attention given to the Irish question, if it were mixed up with the English. If it were not, I despair of its being properly canvassed. As to the question of notice, — all that the Government need do is, to pay the money which they owe the Bank, and the charter will, thereupon, immediately be extinguished. That they should take this course is the more necessary, as a deception — I still contend — has been practised on Ireland. The Right Honourable Gentleman the Chancellor of the Exchequer appealed to my Honourable Friends the Members for Dundalk and Drogheda, for a confirmation of his assertion that the present proceeding was expected in Ireland. My Honourable Friends, however, both concurred in what I had stated; and notwithstanding the incivility with which the Right Honourable Gentleman contradicted me, I repeat that the people of Ireland have been deceived. In a Dublin paper, published in July, it was stated by Mr. Alderman Smith, as the result of an interview between the Chancellor of the Exchequer and the merchants of Dundalk, that a free trade in banking should be allowed to Dundalk and to Drogheda, and

that some privileges should be allowed to the Bank of Dublin within five miles of the city. The conduct of the Right Honourable Gentleman, throughout these proceedings, was certainly calculated to confirm the view of those who thought his character more marked by ingenuity than by candour. Such was the impression made by the Chancellor of the Exchequer's original statement,—an impression which continued till within the last three weeks. I must, therefore, press upon the House the expediency of postponing this question till next Session. Feeling very strongly upon the subject, I beg to conclude by moving, "That the Chairman do now leave the chair."

The committee divided on the question, "That the Chairman do leave the chair:" — Ayes 24; Noes 80; — Majority 56.

AYES.

Aglionby, H. A.	Scholefield, J.
Bridgeman, H.	Somerville, Sir W. M.
Browne, R. D.	Turner, W.
Ellis, J.	Vigors, N. A.
Ewart, W.	Wakley, T.
Hector, C. J.	Wallace, R.
Hindley, C.	Warburton, H.
Hume, J.	Williams, W.
Langdale, Hon. C.	Wyse, T.
Muskett, G. A.	Yates, J. A.
Norreys, Sir D. J.	
O'Connell, John	*Tellers.*
O'Connell, M. J.	O'Connell, Daniel
Redington, T. N.	Villiers, Hon. C. P.

NOES.

Acland, T. D.	Hawkins, J. H.
Adam, Admiral	Hinde, J. H.
Baker, E.	Hodges, T. L.
Bannerman, A.	Hodgson, R.
Barnard, E. G.	Hope, Hon. C.
Berkeley, Hon. H.	Hoskins, K.
Blair, J.	Howick, Lord Visct.
Blake, W. J.	Kemble, H.
Bramston, T. W.	Law, Hon. C. E.
Broadley, H.	Liddell, Hon. H. T.
Brocklehurst, J.	Lushington, Rt. Hn. S.
Brotherton, J.	Macaulay, T. B.
Bruges, W. H. L.	Mackinnon, W. A.
Buller, Sir J. Y.	Marshall, W.
Burroughes, H. N.	Maule, Hon. Fox
Campbell, Sir J.	Morpeth, Lord Visct.
Clay, W.	Morris, D.
Cooper, E. J.	Murray, A.
Craig, W. G.	Palmer, C. F.
Crompton, Sir S.	Parker, J.
Darby, G.	Parnell, Rt. Hn. Sir H.
Denison, W. J.	Peel, Rt Hon. Sir R.
Donkin, Sir R. S.	Perceval, Colonel
Douglas, Sir C. E.	Pigot, D. R.
Egerton, W. T.	Plumptre, J. P.
Elliot, Hon. J. E.	Reid, Sir J. R.
Euston, Earl of	Rice, Rt. Hon. T. S.
Ferguson, Sir R. A.	Richards, R.
Gaskell, J. M.	Rutherfurd, Rt. Hn. A.
Greenaway, C.	Sanderson, R.
Grey, Rt. Hon. Sir G.	Sanford, E. A.
Grimsditch, T.	Seale, Sir J. H.
Guest, Sir J.	Smith, J. A.
Smith, R. V.	Wood, C.
Stanley, Hon. E. J.	Wood, Colonel
Steuart, R.	Wood, G. W.
Strutt, E.	Wood, Colonel T.
Surrey, Earl of	Worsley, Lord
Teignmouth, Lord	
Troubridge, Sir E. T.	*Tellers.*
Vere, Sir C. B.	Dalmeny, Lord
Walker, R.	Seymour, Lord.

Original question put. The committee divided: — Ayes 79; Noes 24; — Majority 55.

AYES.

Acland, T. D.	Liddell, Hon. H. T.
Adam, Admiral	Lushington, Rt. Hon. S.
Baker, E.	Macaulay, T. B.
Bannerman, A.	Mackinnon, W. A.
Barnard, E. G.	Marshall, W.
Blair, J.	Maule, Hon. Fox
Blake, W. J.	Morpeth, Lord Visct.
Bramston, T. W.	Morris, D.
Broadley, H.	Murray, A.
Brocklehurst, J.	Palmer, C. F.
Brotherton, J.	Parker, J.
Bruges, W. H. L.	Parnell, Rt. Hon. Sir H.
Buller, Sir J. Y.	Pechell, Captain
Burroughes, H. N.	Peel, Rt. Hon. Sir R.
Campbell, Sir J.	Perceval, Colonel
Clay, W.	Pigot, D. R.
Cooper, E. J.	Plumptre, J. P.
Craig, W. G.	Rice, Rt. Hon. T. S.
Crompton, Sir S.	Richards, R.
Darby, G.	Rutherfurd, Rt. Hn. A.
Denison, W. J.	Sanderson, R.
Donkin, Sir R. S.	Sanford, E. A.
Douglas, Sir C. E.	Seale, Sir J. H.
Egerton, W. T.	Smith, J. A.
Elliot, Hon. J. E.	Stanley, Hon. E. J.
Euston, Earl of	Steuart, R.
Ferguson, Sir R. A.	Strutt, E.
Gaskell, J. M.	Surrey, Earl of
Greenaway, C.	Teignmouth, Lord
Grey, Rt. Hon. Sir G.	Troubridge, Sir E. T
Grimsditch, T.	Vere, Sir C. B.
Guest, Sir J.	Walker, R.
Hawes, B.	Wood, C.
Hawkins, J. H.	Wood, Colonel
Hinde, J. H.	Wood, G. W.
Hodges, T. L.	Wood, Colonel T.
Hodgson, R.	Worsley, Lord
Hope, Hon. C.	
Hoskins, K.	*Tellers.*
Howick, Lord Visct.	Dalmeny, Lord
Kemble, H.	Seymour, Lord.
Law, Hon. C. E.	

NOES.

Aglionby, H. A.	Somerville, Sir W. M.
Bridgeman, H.	Turner, W.
Browne, R. D.	Vigors, N. A.
Ellis, J.	Villiers, Hon. C. P.
Ewart, W.	Wakley, T.
Hector, C. J.	Wallace, R.
Hindley, C.	Warburton, H.
Langdale, Hon. C.	Williams, W.
Muskett, G. A.	Wyse, T.
Norreys, Sir D. J.	Yates, J. A.
O'Connell, John	
O'Connell, M. J.	*Tellers.*
Redington, T. N.	Hume, J.
Scholefield, J.	O'Connell, Daniel.

The following resolutions were then read a first and second time; and agreed to.

1. Resolved, That it is expedient to continue, for a limited period, to the Governor and Company of the Bank of Ireland, certain of the privileges now vested by law in that corporation, subject to such conditions as may be provided by an Act to be passed for the purpose in the present Session of Parliament.

2. Resolved, That the Governor and Company of the Bank of Ireland shall be entitled for all Exchequer bills — (being bills issued in pursuance of two Acts for the Relief of the Owners of Tithes, and for abolishing Compositions for Tithes in Ireland, and not exceeding in the whole 900,000*l.*) — which shall be delivered up by them to be cancelled, to receive for the same, and for the interest due thereon, such an amount of Three Pounds per Centum Consolidated or Reduced Annuities, as the said Exchequer bills and interest would have purchased, if the same had been applied in the purchase of such annuities, estimated at the quarterly average price at which the said annuities might have been purchased in the quarter in which the said Exchequer bills shall be delivered up to be cancelled.

Mr. ELLIS. — When is it the intention of the Right Honourable Gentleman to bring in the Bill founded on these resolutions?

The CHANCELLOR of the EXCHEQUER. — On bringing up the Report on Monday, I shall move for leave to introduce a Bill founded upon the resolutions to which the House has just agreed.

The House then resumed, and the Report was ordered to be received on Monday.

METROPOLITAN POLICE COURTS BILL.

On the motion of Mr. FOX MAULE, the House resolved itself into a committee on the Metropolitan Police Courts Bill.

Clause 2. "Her Majesty in council may alter the number and situation of the courts."

On this clause being put, —

COLONEL T. WOOD said: — By this clause it is proposed to appoint twenty-seven magistrates. Now, by a reference to the Report, I find that twenty will be the greatest number required; and I shall therefore move that the word "twenty" be inserted, instead of "twenty-seven."

Mr. LAW. — Though I shall certainly divide with my Honourable and Gallant Friend, if he press his amendment, yet I have a preliminary point to urge upon the committee. Before this clause is disposed of, the committee ought to determine what powers are to be intrusted to the police magistrates. Until I know that, I cannot make up my mind to agree to this clause, which gives the Secretary of State the power of nomination and removal. I shall therefore propose that this clause be postponed until the clauses defining the powers to be intrusted to the magistrates have been disposed of.

Mr. FOX MAULE. — I cannot consent to postpone this clause. The Bill has long been in the hands of Honourable Members, and its contents must be well known; and as they are aware of the manner in which the clause bears on other parts of the Bill, Honourable Members must be ready to propose their amendments upon it. This clause does not give, as is supposed, to the Secretary of State, but to her Majesty in council, the power to increase the number of police magistrates, and to alter the arrangements which at present are acted on. This is, I submit, a safe provision, and one from which the public will derive great advantages.

Mr. LAW. — I shall feel it to be my duty to move the postponement of this and several other clauses, until the amount of the powers which it is proposed to intrust to the magistrates shall be defined.

The ATTORNEY GENERAL. — The natural order of things seems to be — first to define the district over which the magistrates are to preside, and then to fix their powers.

Mr. HAWES. — It appears to me that the Honourable and Gallant Gentleman opposite has assigned no good and sufficient reason why the number of magistrates should be but twenty. If he had looked at the conclusion of the Report of the committee, he would have found a recommendation that the number of offices should not be decreased, but rather increased. By this Bill the public will have

an improved jurisdiction, without increase of expense.

LORD TEIGNMOUTH.—If this clause be carried now, will it not affect another most material point in this Bill, — one which ought to be received with distrust on both sides of the House, — I mean the substitution of one for two magistrates? That point, certainly, ought not to be prejudged before we come to the clause.

Mr. HUME. — If there was any one point more particularly considered by the committee than another, it was, whether any real necessity existed for having three magistrates at one office; and it was proved that two might get through more work than is now done by three. But population has now grown up in places where there is no office, and this Bill gives power to the Secretary of State to change the position of these courts.

Mr. KEMBLE. — I cannot see why this House is to be called upon to appoint twenty-seven magistrates, when, by the Report of the committee on which the Bill is founded, it is stated that a less number would be sufficient.

LORD JOHN RUSSELL. — It is in evidence that the number ought not to be reduced.

Mr. HAWES. — It is obvious that, upon thus extending the duty of magistrates, you must have one or two supernumerary, in case of illness, &c.

COLONEL T. WOOD. — I agree with my Honourable and Learned Friend as to the postponement of the clause; and I beg leave, for the present, to withdraw my amendment, to make room for that of my Honourable and Learned Friend.

The amendment was then, by leave, withdrawn; and the committee divided on the question, "That the clause be postponed:" — Ayes 24; Noes 68; — Majority 44.

AYES.

Baker, E.	Gaskell, J. M.
Blair, J.	Grimsditch, T.
Bramston, T. W.	Hodgson, R.
Burroughes, H. N.	Hope, Hon. C.
Cochrane, Sir T. J.	James, Sir W. C.
Cooper, E. J.	Kemble, H.
Darby, G.	Liddell, Hon. H. T.
D'Israeli, B.	Mackinnon, W. A.
Douglas, Sir C. E.	Pakington, J. S.
Egerton, W. T.	Palmer, R.
Perceval, Colonel	
Teignmouth, Lord	
Vere, Sir C. B.	
Wood, Colonel	

Tellers.

Law, Hon. C. E.
Wood, Colonel T.

NOES.

Aglionby, H. A.	Maule, Hon. Fox
Barnard, E. G.	Morris, D.
Blake, W. J.	Muskett, G. A.
Bridgeman, H.	Norreys, Sir D. J.
Brocklehurst, J.	O'Connell, John
Brotherton, J.	O'Connell, M. J.
Bruges, W. H. L.	Palmer, C. F.
Buller, C.	Parker, J.
Campbell, Sir J.	Parnell, Rt. Hn. Sir H.
Chichester, J. P. B.	Pechell, Captain
Clay, W.	Pigot, D. R.
Clements, Lord Visct.	Redington, T. N.
Crompton, Sir S.	Rice, Rt. Hon. T. S.
Dalmeny, Lord	Russell, Lord J.
Denison, W. J.	Sanford, E. A.
Donkin, Sir R. S.	Scholefield, J.
Elliot, Hon. J. E.	Seale, Sir J. H.
Euston, Earl of	Strutt, E.
Ewart, W.	Thornely, T.
French, F.	Troubridge, Sir E. T.
Grey, Rt. Hon. Sir G.	Turner, W.
Guest, Sir J.	Vigors, N. A.
Hawes, B.	Wakley, T.
Hawkins, J. H.	Walker, R.
Heathcoat, J.	Warburton, H.
Hector, C. J.	Williams, W.
Hinde, J. H.	Wilmot, Sir J. E.
Hodges, T. L.	Wood, C.
Hoskins, K.	Wood, G. W.
Howick, Lord Visct.	Worsley, Lord
Hume, J.	Yates, J. A.
Hutton, R.	
Langdale, Hon. C.	
Lushington, C.	
Lushington, Rt. Hn. S.	
Macaulay, T. B.	
Marshall, W.	

Tellers.

Adam, Admiral
Labouchere, Rt. Hon. H.

Mr. KEMBLE. — I think it is right that the House should be made aware that this clause entails an additional expense of 10,000*l.* a-year on the public.

[Cries of "No, no!"]

But I say, yes. You have twenty-seven magistrates, and you propose to increase their salaries from 800*l.* to 1200*l.* a-year. Formerly there used to be a jealousy of power invested in the hands of the Secretary of State; but this Bill confers additional power upon that functionary. I have no wish to insinuate that that power will be exercised by the Noble Lord in a manner different from what it would be by any other person holding that office; but I have a right to complain of the principle.

Mr. FOX MAULE. — Though power be given to appoint twenty-seven magistrates, we shall only exercise the power, should the duty require it.

Mr. KEMBLE. — Still, I say, it is a

power we ought not to intrust to any Secretary of State whatever.

COLONEL WOOD. — The Honourable Gentleman says, that if twenty-seven are not necessary, they will not be appointed; but, if twenty-seven be the number named in the Bill, there is every reason to fear that twenty-seven will be appointed; and as we are about to extend the jurisdiction of the magistrates, I think we had better leave the number blank, and throw upon the Government the responsibility of appointing what number they may think fit.

Mr. HUME. — If the Honourable Gentleman will attend to the evidence, he will find it clearly proved that courts of this kind are much wanted in several districts, and this clause is only to give power to place them there. As to the vesting of power in the Secretary of State, I fully agree with the Honourable Gentleman opposite, on principle; but, in this case, there could be no exercise of power that would not be perfectly well known.

LORD JOHN RUSSELL. — I will merely notice one observation which fell from the Honourable Member for Brecon, with respect to leaving the number blank in this clause. Now, had my Honourable Friend near me brought in a Bill vesting in the Home Secretary the power of appointing an unlimited number of officers, that Bill would have unquestionably met with the most strenuous opposition from both the Honourable and Gallant Member for Brecon and the Honourable and Gallant Member for Middlesex.

COLONEL WOOD. — I am not afraid of trusting power in the hands of the Secretary of State; but I wish to see him responsible. I may here remark that, by this Bill, some of these courts are to have a single magistrate, — others are to have two. Now, I do not see why one magistrate will not be sufficient for any of them, if it be intended that the county magistrates are to act with them. There are many in the commission, and they will not object to giving up their time to this duty. I would, however, rather leave the number blank.

The clause was then agreed to.

Clause 3. "Magistrates may be superseded at the discretion of Secretary of State, on two thirds of their salaries."

On this clause being put, —

Mr. LAW said:— I beg to offer an observation on this clause; and, in so doing, I do not wish to offer any opposition to the amount of compensation to be given, — which, I think, may depend upon a variety of circumstances. With regard to those who have been recently appointed, I certainly would not give the Secretary of State the power of appointing a person in May, and superseding him in August, at two thirds of his salary. Patronage is here vested in an individual member of the Government in a most extraordinary manner. Now, if her Majesty choose to alter the number of police magistrates, and the number of the courts, I do not see any objection to the power of selecting so many of those magistrates now on the bench as may be deemed fit and proper persons to fulfil the new duties; but I do object to recognising, in any one functionary of the British Government, a sort of prefect of police with such an amount of patronage. I would therefore propose that the words "her Majesty" be inserted in place of "Secretary of State," or else some high legal functionary, such as the Lord Chancellor or the judges. I cannot see why the Secretary of State is to be thrust so prominently forward. I beg it to be observed that I make these remarks in no personal or invidious sense whatever. I object merely to the general power given to the Secretary of State to appoint and remove persons to office at his will and pleasure; and I am not alluding to any Secretary of State in particular; but, with perfect respect to the Noble Lord opposite, I must say, I think it ought not to be in the power of any Home Secretary, according to his mere discretion, to select those who may and who may not be held competent to discharge the magisterial duties, out of those who are now fulfilling those duties; and, also, to pension those whom he may think fit, — unless, indeed, they have earned the privilege of retirement by past services. I do not like to see powers so large and general, — extending, in fact, to the superseding of the whole existing bench of magistrates, and the appointment of new ones. I therefore wish the Honourable Under Secretary would suggest some words that will a little control these powers. I do not desire to throw unnecessary impediments in the way of a due discretion to be exercised by the Secretary of State; but, really, this clause seems to me to be a temptation to abuse.

Mr. FOX MAULE. — I have no objection, if the Honourable and Learned Gentleman desire it, to insert the words

"her Majesty," in place of "Secretary of State;" but, of course, the responsibility will rest upon the individual who fills that office. I cannot, however, allow to pass, without some notice, the manner in which the Honourable and Learned Gentleman spoke of the office of Secretary of State, in calling him a minister of police, — a term wholly inappropriate and misapplied. With respect to the appointment of magistrates, the Honourable and Learned Recorder must be aware that the main object is, to establish in the police courts a better system than that which at present exists; and to place upon the bench gentlemen of higher legal abilities, and a greater general knowledge of law, than those who, in some instances, have, heretofore, filled the office of magistrate. The power, therefore, which is taken in this clause, is a power of suspending some of these magistrates, and appointing others at a higher salary, but with better qualifications. I have no objection, as I have said, to insert the words, "her Majesty," in the place of the "Secretary of State;" but I think any limitation placed upon the latter part of the clause would occasion much inconvenience.

Mr. W. WILLIAMS. — This will be a mere change of terms, without any practical alteration.

Mr. WAKLEY.—For my part, I would prefer to retain the "Secretary of State" in the clause. It at once fixes the responsibility on that officer; any thing he does will then be his own particular act, and he will be responsible to this House for it.

Mr. LAW.—I beg to say that we have had this point under the consideration of the House before, in the London Police Bill. The Crown exercises various functions of this kind; and the constitution does not recognise a divided responsibility, such as that alluded to by the Honourable Gentleman.

LORD GRANVILLE SOMERSET.—I approve of the suggestion of my Honourable and Learned Friend. The Queen is the source of honour; and, according to the constitution, she exercises functions analogous to this.

Mr. LAW. — I must say, also, that I object to this unlimited power of superseding magistrates; and I think some legal cause ought to be assigned for their removal. But, after the passing of this Bill, the whole bench of magistrates may be swept away at one blow, and new ones be appointed. I may be told, the Secretary of State may do the same thing now. I know that he may advise the Crown to do so, and I know that magistrates have been removed; but then he acts as an adviser of the Crown, and not as Secretary of State. I must say, I should like a little less latitude to be given; but to show the perfect sincerity of the respect I have professed for the Noble Lord, apart from political considerations, I will not insist upon a particular amendment. With respect to the retiring allowance of the present magistrates, I would suggest that the words "not less" than two thirds of the present salary, should be substituted for "not more." I can easily conceive cases where it might be judicious to make it three fourths.

SIR E WILMOT. — I beg to suggest that the word "superseded" be left out.

Mr. LAW.— I have no objection to the proposed alteration; but I would suggest the propriety of whatever the Secretary of State may do in this matter being laid before Parliament.

LORD JOHN RUSSELL.—I can have no objection to that.

Mr. W. WILLIAMS. — It appears to me a perfect waste of the public money, to grant a superannuation allowance of two thirds of their salary to those who, perhaps, have only been appointed a few months to their office. I am sorry to see so little consideration manifested in this House towards the interests of those who pay all these expenses out of their hard earnings. Now, before any allowance is granted, I think it ought to be made out that the parties are entitled to it, by age, or length of service.

Mr. HUME. — I feel the force of the observation of the Honourable and Learned Recorder, that some legal cause should be assigned for the removal of the magistrates. Every year increases the superannuation list; and I must object to the retiring allowance being granted, unless in the case of age, or incapacity from illness, or long services.

Mr. AGLIONBY. — I should prefer leaving the whole matter in the hands of the Secretary of State, to trammelling him with fixed rules.

Mr. LAW. — I would suggest that the Honourable Under Secretary should bring

up some words to the effect, that the amount of the retiring allowances granted shall be laid on the table of the House. If that be understood, I shall not insist further on the particular wording of the clause.

Mr. HUME. — I think that the Noble Lord should be left to the exercise of his own power and discretion, and that the accounts should be submitted, annually, to Parliament.

The ATTORNEY GENERAL. — I think it is proper the suggestion of the Honourable and Learned Recorder should be acquiesced in, and that the allowances granted should come within the knowledge of Parliament.

Mr. KEMBLE.—Then the Noble Lord is to have the unlimited power of superseding all these magistrates? That is the operation of the clause as it stands. I do not say that that power will be exercised to its full extent; but still it should be observed, that we are giving power to the Secretary of State to suspend the whole bench of magistrates, and saddle the country with somewhere about 16,000*l.* a-year.

Mr. WAKLEY. — After every consideration of this clause, I am of opinion that you cannot alter it with advantage. The object of the Bill is, to improve the administration of justice in our police courts; and it is perfectly notorious that we have incompetent magistrates on the bench. Now, I think no money could be better bestowed than in getting rid of these persons, by giving them their retiring allowances. The sooner they are out of office the better; for it is an exclamation in every person's mouth, that the manner in which the business is done at the police offices is most disgraceful to the country. I must admit, I do not object to trusting this power in the hands of the Secretary of State.

Mr. HUME. — Suppose a gentleman were appointed a magistrate one year, and, being found unfit for his office, were to be dismissed the next; — I ask, would it be proper that he should have two thirds, or one third of his salary? or that, in fact, he should have anything? I say, in such a case, he ought to be removed without any salary at all. I propose, therefore, that, wherever the Secretary of State designs to grant a retiring allowance, the particulars shall be laid upon the table of this House; and if, within six weeks, no objection be made, the allowance can then be granted.

Mr. FOX MAULE.—The effect of that would be, to make this House the judge of who was capable, and who not. I am willing that the Secretary of State shall be bound to lay before the House an account of what he grants; but do not let the House of Commons be called upon to decide whether an individual be or be not fitted for the duties of a particular office.

The clause was then agreed to.

Clause 4. "Vacancies to be supplied from barristers."

Mr. LAW. — I beg to suggest that this clause be postponed; and my reason is, that, if these extraordinary powers are really granted to police magistrates, it is my intention to move to amend this clause, by requiring that barristers to be appointed magistrates under the Bill should be of "ten," instead of "seven" years' standing, and that they should hold office during good behaviour. When I consider the extraordinary powers that are to be vested in these magistrates, and when I look at what has been done with respect to all the corporations of the kingdom, I think that these offices should be held upon, at least, the same tenure as that of recorder, throughout the country. This Bill proposes to supersede the functions of a common jury, and to enable a single justice to convict her Majesty's subjects of felony. The public interest demands, therefore, that such a selection of barristers should be made as will command not only the respect of the public, but of the profession; and, most particularly, that they should not be removeable, unless upon some good cause. I will not propose the same tenure as that of the judges' office, but merely "during good behaviour."

Mr. WAKLEY.—I understood that this clause was to be postponed.

Mr. LAW. — I believe it is open to move the postponement of the clause after it has been amended.

The CHAIRMAN. — No: if we go into the amendments, we cannot, then, postpone the clause.

Mr. LAW. — Then I will keep to my original motion, "That the clause be postponed."

Strangers were then ordered to with-

draw, but no division took place; the motion, "That the clause be postponed," having been, by leave, withdrawn.

Mr. LAW. — I will now propose my amendment, "That the word 'ten,' be substituted for 'seven.'"

Mr. FOX MAULE. — I really do not see the necessity for this alteration. I think a standing of seven years at the bar, if the party have attended to his profession, ought to be sufficient to qualify a man for the office of a police magistrate.

Mr. WAKLEY. — I object, upon principle, to a provision which compels you to select from barristers only, whether you can find the most competent persons in that profession, or not. I ask the House, is not the incompetency of many of the present magistrates notorious? If there be any doubt upon the point, let Honourable Gentlemen examine the evidence that was given before the committee up-stairs. Of all persons of whom I have any experience, barristers are the men, the most divested of common sense, and the most ignorant of what is passing in society. What is the education of a barrister? He is paid, to-day, to make falsehood appear truth, and to-morrow, to make truth appear falsehood,— and so he goes on, until, at length, he is unable to distinguish one from the other. We require men of quick perception and keen judgment to fill these situations,—and these are qualities not necessarily found in a barrister; on the contrary, I believe that the practice of the law is calculated to narrow the mind of the man. I think the proposition contained in this clause is so extremely objectionable, that, if I go out alone, I shall divide the committee against the words which make it imperative to select from barristers.

Question put, to leave out the words "who shall have practised as barristers during at least seven years then last past."

Mr. LAW. — I do not rise to defend the profession to which I have the honour to belong, from the assaults made upon it by the coroner for the county of Middlesex. I can only suppose that the Honourable Gentleman is suffering under the impression that Parliament may decide that the office of coroner shall be held only by barristers. It is known that there is an instinctive antipathy in nature, in some animals, towards those who hunt them; and there is an antipathy in some persons towards all lawyers, which sometimes extends even to the judges who may decide against them.

Mr. FOX MAULE. — I rise to express my entire dissent from the proposition of the Honourable Member for Finsbury. I certainly think that the best persons to administer the law, in these courts, are those who have made the law their study.

Mr. HUME. — I do not agree, altogether, in the remarks of my Honourable Friend the Member for Finsbury; but, at the same time, I can see no reason why the Secretary of State should be compelled to select the police magistrates from any particular class or profession. I conceive that a knowledge of the world is quite as necessary to persons filling those offices, as a mere knowledge of law. If, therefore, the Honourable Member for Finsbury should press his amendment to a division, I shall feel bound to vote with him.

Mr. HAWES. — I hope that the House will not accede to the proposition of the Honourable Member for Finsbury. These are judicial situations, and require judicial education and qualifications.

Mr. WAKLEY. — I am convinced of the propriety of my amendment. The Honourable Member for Lambeth appears to consider that no man is competent to understand law, who has not received a legal education. If that theory be good, the Honourable Member ought not to be here as a law maker.

Strangers were ordered to withdraw, but no division took place.

The amendment was then, by leave, withdrawn.

Question put, "That the word 'ten' be substituted for the word 'seven.'"

Mr. LAW. — As the opinion of the committee appears to be against me, I will not press my amendment, "That the selection shall be made from barristers of ten years standing, instead of seven."

Amendment, by leave, withdrawn, and the clause agreed to.

Clause 5. "Magistrates exempt from serving on juries in Middlesex or Surrey, or in the city of London."

On this clause being put, —

Mr. LAW said:—I have a proviso to propose, at the end of this clause, as follows:—"Provided that the magistrates so to be appointed shall hold their offices during their good behaviour." I think it exceedingly improper, and even unconstitutional, that such judicial offices should be held during the will and pleasure of the Secretary of the Home Department. By the Municipal Reform Bill, you have provided that the recorders appointed under that Bill shall hold their offices during good behaviour; and the magistrates under this Bill are a much more important class of officers. I shall certainly press my amendment to a division.

COLONEL WOOD.—Perhaps the Honourable and Learned Gentleman had better bring in a separate clause for this purpose. It appears to be inconsistent to tack such a proviso on this clause.

Mr. LAW.—But my amendment does not alter the sense of the clause. My objection to preparing a clause is, that the Honourable and Learned Attorney General prevented my pressing my proviso at the proper place, and I have no wish to be ousted again.

Mr. KEMBLE.—I wish to know from the Honourable and Learned Attorney General, whether the Secretary of State has power, as the Bill stands, to remove these magistrates, if he think fit?

The ATTORNEY GENERAL.—Certainly; unless these officers are appointed during good behaviour, they are removable.

Mr. KEMBLE.—As the judges of the land have been rendered independent of the Crown, and as one of the objects of this Bill is to improve the character of the magisterial bench, I think the magistrates appointed under it should not be liable to removal at the will of any individual. I shall support the amendment, whether it be introduced in the proper place, or not.

The committee divided upon the question, "That the proviso be added:"—Ayes 25; Noes 84;—Majority 59.

AYES.

Alsager, Captain	Darby, G.
Broadley, H.	Egerton, W. T.
Bruges, W. H. L.	Fielden, J.
Buller, Sir J. Y.	Filmer, Sir E.
Burroughes, H. N.	Grimsditch, T.
Cochrane, Sir T. J.	Halford, H.
Cooper, E. J.	Hodgson, R.
Hope, Hon. C.	Sibthorp, Colonel
Lowther, Hon. Colonel	Vere, Sir C. B.
Lygon, Hon. General	Wood, Colonel T.
Mathew, G. B.	
Pakington, J. S.	*Tellers.*
Plumptre, J. P.	Kemble, H.
Round, J.	Law, Hon. C. E.
Sheppard, T.	

NOES.

Aglionby, H. A.	Marshall, W.
Anson, Hon. Colonel	Moreton, Hon. A. H.
Baker, E.	Morpeth, Lord Visct.
Baring, F. T.	Morris, D.
Barnard, E. G.	Muskett, G. A.
Blake, W. J.	Norreys, Sir D. J.
Bramston, T. W.	O'Connell, John
Bridgeman, H.	O'Ferrall, R. M.
Brocklehurst, J.	Palmer, C. F.
Brotherton, J.	Parker, J.
Bryan, G.	Parnell, Rt. Hon. Sir H.
Buller, C.	Pechell, Captain
Burrell, Sir C.	Pendarves, E. W. W.
Campbell, Sir J.	Philips, M.
Chichester, J. P. B.	Pigot, D. R.
Clay, W.	Redington, T. N.
Clements, Lord Visct.	Rolfe, Sir R. M.
Crompton, Sir S.	Russell, Lord J.
Dalmeny, Lord	Rutherfurd, Rt. Hn. A.
Duncombe, T.	Sanford, E. A.
Elliot, Hon. J. E.	Scholefield, J.
Euston, Earl of	Sheil, R. L.
Ewart, W.	Stanley, Hon. E. J.
Grey, Rt. Hon. Sir C.	Stanley, Hon. W. O.
Grey, Rt. Hon. Sir G.	Stewart, James
Grote, G.	Stock, Dr.
Hall, Sir B.	Strutt, E.
Hawes, B.	Talbot, C. R. M.
Hawkins, J. H.	Teignmouth, Lord
Heathcoat, J.	Turner, W.
Hector, C. J.	Vigors, N. A.
Hinde, J. H.	Wakley, T.
Hodges, T. L.	Warburton, H.
Hoskins, K.	Williams, W.
Howick, Lord Visct.	Wilmot, Sir J. E.
Hume, J.	Wood, C.
Hutt, W.	Wood, Colonel
Hutton, R.	Wood, G. W.
Jervis, S.	Worsley, Lord
Labouchere, Rt. Hon. H.	Yates, J. A.
Langdale, Hon. C.	*Tellers.*
Leader, J. T.	Maule, Hon. Fox
Lushington, C.	Steuart, R.
Macaulay, T. B.	

The clause, with a verbal amendment, was then agreed to.

Clause 6. "Appointment of clerks, ushers, door-keepers, and messengers."

Clause 7. "No magistrate or officer of the courts to vote at certain elections."

Clause 8. "Receiver of Metropolitan Police to be receiver under this Act."

Clause 9. "Extension of powers and of duties of receiver, to him, when acting under this Act."

Severally put, and agreed to.

Clause 10. "Salaries of magistrates, receiver, clerks, and officers."

Upon this clause being put,—

Mr. HUME said:—I have heard no reason why we should increase the salaries of the police magistrates from 600*l.* to 1200*l.* a-year, as proposed by this clause. I think that 1000*l.* a-year would be quite sufficient; and if it be thought necessary to have a chief magistrate, I have no objection to giving him 1200*l.* a-year: this, I am sure, would command all the talent and legal knowledge that can be required to fill these situations. I therefore move, as an amendment, to fill up the first blank with "twelve hundred pounds," instead of fourteen, and the second blank with "one thousand," instead of twelve hundred pounds.

Question put, "That the first blank be filled up with the words 'fourteen hundred pounds.'"

Mr. AGLIONBY.—I hope the committee will consider whether it is desirable to make this difference between the salary of the chief magistrate, and those of the other justices. The only additional duty that the chief magistrate has hitherto had to perform, is to attend occasionally, in the morning, at the Home Office. Now, I think the Home Secretary ought to call upon any of the magistrates, when occasions may occur for consulting with them, and not on any particular magistrate only. I therefore hope my Honourable Friend will not object so to alter his amendment, as to make the salaries of all the magistrates equal.

Mr. HUME.—I have no objection to adopt my Honourable Friend's suggestion.

Mr. FOX MAULE.—These salaries have not been fixed without reference to the Report of the committee; and, looking at the evidence on the subject, I must say that I am disposed to adhere to the clause as it is proposed by the Government. The House has already sanctioned the principle that 1200*l.* a-year shall be the salary of the Police Commissioners; and I think, considering the duties which these police magistrates will have to perform, and that they will have to attend from ten till six o'clock every day, 1200*l.* a-year will not be more than an adequate remuneration. Then, as regards the chief magistrate. The chief magistrate has now 1200*l.* a-year,—being 400*l.* more than the others; while by this Bill the chief magistrate's salary will be only 200*l.* a-year above the others.

Mr. HAWES.—I hope the committee will well consider this question, before it decides upon reducing these salaries below what the Bill proposes. The salaries here proposed to be given, are not higher than those paid to many other public officers, whose duties are far less arduous, and whose offices are certainly not more important, than those of the police magistrates. It must be recollected that the magistrate must be a barrister and a gentleman; and we ought to give such a salary as will induce men of talent to forego the profits they might derive from the practice of their profession, to accept these offices. We are now about to extend the duties and responsibilities of the police magistrates, very materially; and I think it is only reasonable that a proportionate increase should be made in their salaries. It must also be remembered that the magistrates have also many claims on their charitable feelings,—which is not the case with other functionaries; and I, for one, would rather cut down the Lord Chancellor, or the Chief Justice, than reduce the proposed salaries of these useful public officers.

Mr. W. WILLIAMS.—I shall certainly support the amendment of my Honourable Friend the Member for Kilkenny. The Honourable Gentleman (Mr. Hawes) says that the Commissioners of Police have 1200*l.* a-year; and the observation of the Honourable Gentleman shows the impropriety of admitting a bad principle. I expected, at the time, that the increase of salary to the Commissioners of Police would be brought forward as a precedent in other cases. There is one essential question in these matters, which appears to be altogether forgotten —that is, where is the money to come from? The present Government go on increasing the salaries in every department that comes under their notice; while, during the whole time they have been in office,—with the exception, I believe, of one year,—the income of the country has fallen short of the expenditure. I trust the committee will make a stand against this system of extravagance, by refusing to sanction the increase of salary now proposed.

Mr. T. DUNCOMBE.—I shall vote with the Honourable Member for Kilkenny. The Honourable Member for Lambeth has stated that 1000*l.* a-year is not a sufficient salary to induce talented men to leave their profession to ac-

these offices; but we well know that 800*l.* a-year procured for us the services of Captain Rowan and Mr. Maine, — and where will you find public officers more efficient in the discharge of their duties? True, you have now increased the salaries of those gentlemen; but you did not do this until they had held their offices, and performed the duties of them in the most efficient and satisfactory manner, during a period of ten years; but, here, you are proposing to increase the salaries before the public have received any benefit from the officers you are yet to appoint. I say, if a salary of 800*l.* a-year has not succeeded in procuring for the public the services of able men as police magistrates, the fault must be charged against those to whose hands the appointment has been intrusted. It can be only attributed to the improper manner in which the patronage has been administered; for I am quite sure the Government might have obtained efficient magistrates at that salary, had they made a proper selection. And if the Government are now prepared to appoint fairly, without reference to other considerations than fitness for office, they will find plenty of barristers of talent and ability, who will be quite ready to leave the profession, to accept these offices at a salary of 1000*l.* a-year. It is said that we are increasing the duties of the police magistrates, by giving them civil jurisdiction; but that is one of my great objections to the Government measure. We are about, I believe, to pass a County Courts Bill; and I do not see why Middlesex should not be included in its operation: at all events, I object strongly to giving to the police magistrates jurisdiction in civil cases.

COLONEL SIBTHORP. — The Honourable Member for Coventry has very properly asked where the money is to come from, to meet these increased salaries? I believe that that is a question which very little concerns her Majesty's Government; they will tell us that they must have a further issue of Exchequer bills, or something of that sort. I think, if we ever mean to economise, it is high time we made a commencement; and I shall therefore vote with the Honourable Member for Kilkenny.

Mr. GROTE. — I understand the Honourable Member for Kilkenny to raise two questions in his amendment; — the one, whether the chief magistrate shall have his salary increased beyond that of the other magistrate, — that is, whether he shall have 1400*l.*, while the others have 1200*l.* a-year? and the other is, whether 1000*l.* or 1200*l.* shall be given as the salary of the police magistrates generally? Now, with regard to the first question, I think no sufficient ground can be shown for placing one magistrate on a higher rate of salary than the others. I shall, therefore, on that question, vote with the Honourable Member for Kilkenny. But, with regard to the second question, — what that salary shall be, — I differ in opinion from the Honourable Member. I do not think 1200*l.* a-year is any too much salary for these magistrates, considering the extent and the nature of the duties they will be called upon to perform. Looking at the talent and legal knowledge which ought to be possessed by a police magistrate, to enable him to fill his office efficiently, — and looking to the character of the profession from which he must be selected, — I do not consider that you will get persons to fill these offices to the satisfaction of the public, at a less salary than 1200*l.* a-year. Reference has been made to the salaries of the Commissioners of Police; but I conceive that the duties of police magistrates are quite as important, and, certainly, as extensive, as those of Commissioners of Police. In my opinion, there is no economy in paying salaries which will not obtain the qualities you require in your public servants, — and which those persons, only, will accept, who cannot be trusted to perform the duties you require of them.

Mr. C. BULLER. — I must enter my protest against that paltry and unwise system of economy, which would seek to carry out its principle by the docking of the salaries of the police magistrates. They are no unimportant powers which you are about to place in the hands of these functionaries. I say that the police magistrates are the judges of the poorer classes of this metropolis; it is from them, alone, that they receive the law of the land; and it is, in the highest degree, important that you should select fit and proper persons to fill those offices. But, while we are so anxious to save 200*l.* or 300*l.* a-year, when the poor are concerned, let us ask ourselves whether we are so anxious to economise when we are legislating for ourselves? In discussing the salary of the assessor to be appointed under the Bill for trying controverted elections, it was proposed, by some, that 1500*l.* a-year should be given. Other Honourable Gentlemen considered that that was not sufficient, and that we should not be able to secure the talent and standing in the

profession, which we ought to require in the party who might be selected to that office, for less than 2000*l.* a-year; but we found no such objection raised against that proposition, as is now made against the proposed rate of salary to be given to the police magistrates. I say it is disgraceful in us, to show an anxiety to economise only when the poor are concerned, and not when we are considering our own case. I think it is very desirable that there should be some hope held out to the magistrates of promotion; and therefore I am favourable to there being a chief office, to which they may look up. The gross amount, for which we are now cavilling, will not be more than 3000*l.* or 4000*l.* a-year. After the votes which I have seen voted this Session — and of which I do not complain — for purposes certainly secondary to those of the administration of justice, I really do think that the House would not be justified in countenancing those rigid principles of economy which the Honourable Member for Kilkenny advocates, as applied to the administration of justice among the poorer classes.

Mr. C. LAW. — I thank the Honourable and Learned Member for the arguments he has brought forward in favour of this proposed increase of salary to the police magistrates; and I only regret that we had not the good fortune to hear the Honourable and Learned Member's speech at an earlier period of the evening, — for I think the committee would have, then, been induced to agree with me, that there is an independence even higher than a pecuniary independence. I trust, however, when the question is again mooted, — and I promise it shall be, — that those who have now heard the speech of the Honourable and Learned Member will agree with me, that the independence of the gentlemen filling these offices will not be complete, if their tenure of office is to depend upon the breath of her Majesty's Secretary of State.

Mr. HODGSON HINDE. — I quite agree with the Honourable and Learned Member for Liskeard, that it would be a most unwise economy that would pay 1000*l.* a-year for an inefficient magistrate, when the services of an efficient person might be secured for 1200*l.* a-year; but I cannot agree that we should be unable to obtain competent magistrates at 1000*l.* a-year. I do not imagine that either 1000*l.* or 1200*l.* would tempt men of high talent, who would be likely to arrive at the head of their profession, to leave it, to accept these offices; but I believe there are very many quarter session barristers — who, after all, are likely to become the most efficient police magistrates — who would be quite willing to accept the office at a salary of 1000*l.* a-year.

Mr. P. HOWARD. — The saving to the public, if the Honourable Member for Kilkenny's proposition be adopted, will be 5800*l.* a-year; and when I consider that the Commissioners of Police, Colonel Rowan and Mr. Maine, have but 1200*l.* a-year each, and that their duties require not only a smattering of law, but that energy and nerve which are much more rarely to be met with, I do think that 1000*l.* a-year is quite sufficient for the police magistrates.

The SOLICITOR GENERAL. — There is no standard by which the House can decide, in these cases, the exact amount of salary that should be given. It must be a matter of opinion; and mine is, that, in the present instance, 1200*l.* a-year is not any too much. It has been said that this Bill proposes a considerable increase in the expense of these establishments; but is the committee aware that, at the present time, there are three magistrates to each office, with a salary of 800*l.* a-year each, and that the difference we propose is, that, in future, there shall be only two magistrates at each court, with a salary of 1200*l.* a-year, — making, in each case, 2400*l.* a-year? No doubt there will be a greater number of offices, as the district will be increased; but, under any circumstances, this would be necessary, even if we were to retain the existing system. I think, with the Honourable Member for Lambeth, that those who administer justice to the poor ought not to be treated worse than those who administer it for the wealth of the country. What do you now give to a Commissioner of Bankruptcy? — 1500*l.* a-year; and to a Commissioner of Police, you give 1200*l.* a-year: and, really, I do not see that 1200*l.* a-year is too much to give for the police magistrate, in proportion to the salaries you pay to other public servants. My only fear is, that you will not obtain the talent and standing you require, even at this salary. The question now before the committee is, whether the first blank shall be filled with "fourteen hundred pounds." I have a strong feeling on this point. I think it is most important that you should have one chief magistrate, and that he should receive a larger salary than the others; you would be thereby holding out a hope to the other magistrates, that, by

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assiduity and attention, they may attain to that situation, — and not that they should consider themselves shelved, without the hope of promotion.

Mr. PLUMPTRE. — I consider that the increase in the magistrates' salaries which this Bill proposes is a piece of extravagance which the committee would not be justified in sanctioning. I am anxious that every public servant should be well and sufficiently paid; but I am quite sure that you will have plenty of candidates, in every respect qualified for the office, at the salary proposed by the Honourable Member for Kilkenny.

LORD GRANVILLE SOMERSET. — I quite concur with the Honourable and Learned Solicitor General, — that this is entirely a matter of opinion, and that the mere amount of salary is not the most important consideration, as regards this question. The first consideration is, that the parties who may be selected be competent to the efficient discharge of the duties of the office; and then we have to decide upon what is the proper amount of salary to be given. Now, I conceive that 1000*l.* a-year is quite a sufficient remuneration for all the talent, learning, and energy necessary to the efficient performance of the duties of a police magistrate. I should, however, have no objection to an increase of 200*l.* a-year, when the magistrate shall have served for a period of ten or twelve years. If the Honourable and Learned Member for Liskeard's argument be good for anything, we must give the police magistrates 2000*l.* a-year, at least. But I will not go further into this subject than to say, that if it can be proved to me that we cannot hope to obtain as good and as honest magistrates for 1000*l.* as for 1200*l.* a-year, I will willingly vote for the latter sum.

COLONEL T. WOOD. — I differ from the Honourable Member for London on this point. I think it is important that we should have a chief, and that he should receive a higher rate of salary than the other magistrates. I think it is desirable that there should be some promotion to which the junior magistrates may look up, and an object held out to them which they may legitimately attempt to obtain. I would suggest to the committee the propriety of having two grades of salaries, — that is, that a senior and junior magistrate should be appointed to each office; the one at a salary of 1200*l.* a-year, the other at 1000*l.* a-year. I think we should thus secure a greater degree of energy in the discharge of the duties of the office. With regard to the question, whether the blanks shall be filled up with 1400*l.* or 1200*l.*, I have no objection to vote for the 1400*l.*

Mr. WARBURTON. — There is one qualification which I think indispensable in a police magistrate, — that is, that he should be married. And I put it to the committee, whether a gentleman of the rank and station in society in which these magistrates must stand, and living in London, can support himself, a wife, and perhaps family, on less than 1200*l.* a-year?

Mr. T. ACLAND. — The ground for increasing the salaries of the Police Commissioners was, not that they had served the public in that department for a certain number of years, but because you found that the former amount of salary was not an adequate remuneration for the services you required of them. I think it is not too much to say, that the police magistrates should be placed on the same footing, with regard to salary, as the Police Commissioners; and therefore I shall, if the question come to a division, vote for the amount of salary as originally proposed.

Mr. AGLIONBY. — I am rather inclined to the opinion that it would be better to have only one rate of salary for all the magistrates. The reasons which were given in the evidence before the committee of 1837, for making this distinction in the salaries, were really absurd. As to the attendance at the Home Office, I think all the magistrates should be required to attend at the Home Office, when necessary, without reference to any chief. It has been said, that it is desirable to hold out some promotion for the other magistrates to look up to; but that, I think, is a bad principle. I believe it is a matter of doubt, even with regard to the higher courts of judicature, whether there ought, properly, to be any difference between the chief and *puisne* judges. And with regard to the magistrates, by establishing this difference, you will be placing them in a degraded position; and what you call a stimulus to good conduct, will, in fact, become a stimulus to subserviency to the Secretary of State. I think, therefore, we shall better consult the character and independence of the magistrates, and the due administration of justice, by making no distinction between them.

The committee then divided: — Ayes 46; Noes 62; — Majority 16.

AYES.

Acland, T. D.	Parker, J.
Adam, Admiral	Parnell, Rt. Hon. Sir H.
Anson, Hon. Colonel	Pendarves, E. W. W.
Baring, F. T.	Pinney, W.
Barnard, E. G.	Protheroe, E.
Cavendish, Hon. C.	Rice, Right Hon. T. S.
Chichester, J. P. B.	Russell, Lord J.
Clements, Lord Visct.	Rutherfurd, Rt. Hn. A.
Eliot, Lord	Sanford, E. A.
Ferguson, Sir R. A.	Scholefield, J.
French, F.	Smith, R. V.
Grey, Rt. Hon. Sir G.	Stanley, Hon. E. J.
Hope, Hon. C.	Steuart, R.
Howick, Lord Visct.	Stock, Dr.
Hutton, R.	Talbot, C. R. M.
Labouchere, Rt. Hon. H.	Thomson, Rt. Hn. C. P.
Law, Hon. C. E.	Warburton, H.
Macaulay, T. B.	Wilmot, Sir J. E.
Maule, Hon. Fox	Wood, C.
Meynell, Captain	Wood, Colonel
Morpeth, Lord Visct.	Wood, G. W.
O'Connell, D.	—]
O'Connell, John	*Tellers.*
O'Connell, M. J.	Buller, C.
O'Ferrall, R. M.]	Rolfe, Sir R. M.

NOES.

Aglionby, H. A.	Johnson, General
Alsager, Captain	Kemble, H.
Archdall, M.	Langdale, Hon. C.
Bramston, T. W.	Lowther, Lord Visct.
Bridgeman, H.	Lushington, C.
Broadley, H.	Mathew, G. B.
Brocklehurst, J.	Morris, D.
Brotherton, J.	Pakington, J. S.
Bryan, G.	Palmer, C. F.
Buller, Sir J. Y.	Philips, M.
Burrell, Sir C.	Pigot, D. R.
Burroughes, H. N.	Plumptre, J. P.
Cooper, E. J.	Redington, T. N.
Darby, G.	Round, J.
Douglas, Sir C. E.	Seale, Sir J. H.
Duncombe, T.	Sheppard, T.
Egerton, W. T.	Somerset, Lord G.
Elliot, Hon. J. E.	Spry, Sir S. T.
Filmer, Sir E.	Stanley, Hon. W. O.
Forester, Hon. G.	Strutt, E.
Fremantle, Sir T.	Teignmouth, Lord
Greenaway, C.	Turner, W.
Grimsditch, T.	Vere, Sir C. B.
Grote, G.	Vigors, N. A.
Hall, Sir B.	Wakley, T.
Hawes, B.	Wallace, R.
Hector, C. J.	Williams, W.
Hinde, J. H.	Wood, Colonel T.
Hodges, T. L.	——
Hodgson, R.	*Tellers.*
Holmes, W.	Hume, J.
Howard, P. H.	Sibthorp, Colonel
Jervis, S.	

The question, "That the blank be filled up with the words 'twelve hundred,'" was then put, and agreed to.

Upon the question, "That the second blank be filled up with the words 'twelve hundred,'" being put, —

Mr. HUME said: — I move that the words "one thousand" be substituted for "twelve hundred."

The committee then divided on the question, "That the blank be filled with 'twelve hundred pounds:'" — Ayes 57; Noes 49; — Majority 8.

AYES.

Acland, T. D.	Morpeth, Lord Visct.
Adam, Admiral	O'Connell, Daniel
Aglionby, H. A.	O'Connell, John
Anson, Hon. Colonel	O'Ferrall, R. M.
Archdall, M.	Parker, J.
Baring, F. T.	Parnell, Rt. Hn. Sir H.
Barnard, E. G.	Pechell, Captain
Bramston, T. W.	Pendarves, E. W. W.
Brocklehurst, J.	Philips, M.
Cavendish, Hon. C.	Pigot, D. R.
Chichester, J. P. B.	Protheroe, E.
Cooper, E. J.	Rice, Rt. Hon. T. S.
Eliot, Lord	Rolfe, Sir R. M.
Elliot, Hon. J. E.	Russell, Lord J.
Ferguson, Sir R. A.	Rutherfurd, Rt. Hn. A.
French, F.	Sanford, E. A.
Gordon, Hon. Captain	Smith, R. V.
Greenaway, C.	Stanley, Hon. E. J.
Grey, Rt. Hon. Sir G.	Steuart, R.
Grote, G.	Stock, Dr.
Hodges, T. L.	Strutt, E.
Hope, Hon. C.	Talbot, C. R. M.
Howick, Lord Visct.	Thomson, Rt. Hn. C. P.
Hutton, R.	Warburton, H.
Labouchere, Rt. Hon. H.	Wilmot, Sir J. E.
Law, Hon. C. E.	Wood, C.
Lushington, C.	Wood, G. W.
Macaulay, T. B.	——
Maule, Hon. Fox	*Tellers.*
Meynell, Captain	Buller, C.
	Hawes, B.

NOES.

Alsager, Captain	Lowther, Lord Visct.
Bridgeman, H.	Mathew, G. B.
Broadley, H.	Morris, D.
Brotherton, J.	Pakington, J. S.
Bryan, G.	Palmer, C. F.
Buller, Sir J. Y.	Plumptre, J. P.
Burrell, Sir C.	Round, J.
Burroughes, H. N.	Seale, Sir J. H.
Darby, G.	Sheppard, T.
Douglas, Sir C. E.	Sibthorp, Colonel
Egerton, W. T.	Somerset, Lord G.
Fielden, J.	Spry, Sir S. T.
Filmer, Sir E.	Stanley, Hon. W. O.
Forester, Hon. G.	Teignmouth, Lord
Fremantle, Sir T.	Turner, W.
Graham, Rt. Hn. Sir J.	Vere, Sir C. B.
Grimsditch, T.	Vigors, N. A.
Hall, Sir B.	Wakley, T.
Hector, C. J.	Wallace, R.
Hinde, J. H.	Williams, W.
Hodgson, R.	Wood, Colonel
Holmes, W.	Wood, Colonel T.
Howard, P. H.	——
Jervis, S.	*Tellers.*
Johnson, General	Duncombe, T.
Kemble, H.	Hume, J.
Langdale, Hon. C.	

The words "twelve hundred pounds" were then inserted, and the clause, as

amended, was ordered to stand part of the Bill.

Clause 11. "Magistrates and receivers bound to act in civil court, if appointed."

Upon this clause being put, —

COLONEL T. WOOD said: — I move that this clause be expunged.

Strangers were then ordered to withdraw, but no division took place.

The ATTORNEY GENERAL. — I really do not see why the police magistrates should not, if they have any leisure, be called upon to preside, for a couple of hours in the day, in a civil court of summary jurisdiction.

Mr. HAWES. — It is highly proper that the police magistrates should have jurisdiction in civil cases. At present, the poor are unable to obtain redress for their civil wrongs. At one police office alone, in the course of three months, there were no less than 185 applications for redress, which the magistrates were unable to grant; and I understand that the average number of applications to the magistrates of the metropolis, every year, for their interference in cases of improper distress — detaining property improperly — and other similar civil grievances, with which they at present cannot interfere, but which are very often the sources of breaches of the peace, is not less than 12,000.

SIR T. FREMANTLE. — The proposition is, to unite in the magistrates, two functions of a totally different character. The Honourable Member would convert these police offices into civil bill courts for the trial of civil rights. Now, I think that that is a most objectionable proposition. The Honourable Member's argument may show the necessity of establishing a civil bill court; but it does not prove that the jurisdiction of such a court should be vested in these police offices. This clause proposes that the magistrates shall be liable to sit as judges in a civil bill court, when established; but I do not conceive that they will have any time, apart from their magisterial duties, to devote to such a purpose; and if they have the time, I would rather call upon them to sit in a criminal court, for a couple of hours at night, than that they should sit in a civil court, as the Honourable and Learned Attorney General has suggested.

Mr. GROTE. — I look upon this as one of the most useful clauses in the Bill. I do not believe that the time of the magistrates will be so fully occupied in criminal business as to render it impracticable for them to discharge civil duties, nor do I think there is anything objectionable in calling upon them so to devote their time. If there were, already, civil bill courts established, at which the poor might obtain redress for their civil wrongs, there might be some ground for objecting to give to the magistrates jurisdiction in civil cases: but there are not; and the only course that I see open for giving to the poor that protection from injury which they have a right to claim, is, to combine in the magistrates these two sets of duties.

Mr. O'CONNELL. — If this clause be carried, the poor man will be enabled, for the first time in this metropolis, to obtain cheap justice.

SIR T. FREMANTLE. — Does the Honourable and Learned Solicitor General contemplate that every police office shall, in future, be a civil bill court? If so, let us at once understand him. My impression is, that that is not the intention of the Bill.

The SOLICITOR GENERAL. — What I contend for is this, — that there ought to be the means given to the poor man of obtaining what is called civil as well as criminal justice. And what is the difference? I know of none. Parties have certain rights; and the distinction between civil and criminal is so fine as not to be comprehended by the poorer classes. Often have I seen the indignant manner in which the poor man receives, to him, the actual denial of justice — the intimation from the magistrate that he cannot interfere to give him redress for the wrong he has suffered. All this clause says is, that when a civil court of summary jurisdiction shall be established, it shall be lawful for her Majesty to appoint all or any of the said magistrates to take upon them the duties of judge, or judges, of such civil court. The clause is not imperative.

The clause was then agreed to.

Clause 12. "Issue from the Consolidated Fund."

Agreed to.

The House then resumed; Chairman

reported progress; committee to sit again on Monday next.

NEW SOUTH WALES BILL.

Upon the motion of Mr. LABOUCHERE, the Order of the Day for the third reading, read.

Upon the question, "That this Bill be now read a third time," —

Mr. C. BULLER said: — This is the fourth year in which this Bill has been renewed, from year to year, without discussion. There are many important considerations connected with the Government of the colony of New South Wales, which, I think, an opportunity ought to be given for discussing. This Bill ought not to have been delayed till so late a period of the Session.

Mr. LABOUCHERE. — I hope my Honourable and Learned Friend will not oppose the third reading. The Bill has been some time before the House, and it has passed through its former stages without objection. I believe the Honourable and Learned Member, himself, has nothing to urge against the Bill, the only object of which is, to continue the existing system for another year. The question must come before Parliament again, next Session, as a matter of necessity. I will, however, fix the third reading for Monday next.

Third reading accordingly deferred till Monday next.

FACTORIES BILL.

On the motion of LORD J. RUSSELL, the Order of the Day for further consideration of Report, read.

LORD JOHN RUSSELL. — With regard to the Factories Bill, — it having been urged upon me by many persons not to press the further discussion, until those parties, in the manufacturing districts, who are immediately interested, have had an opportunity of considering the Bill in its amended form, — I beg, now, to state, that, as very strong objections appear to be entertained by the Noble Lord the Member for Dorset to the alteration which has been made in the Bill with regard to the introduction of silk and lace factories, and as the discussion of those objections would be likely to occupy some considerable time, it is not my intention to proceed with the Bill during the present Session. I therefore move, "That the further consideration of this Report be put off for three months."

Question put, and agreed to.

POSTAGE DUTIES BILL.

Reported; to be read a third time on Monday next.

NEW SOUTH WALES BILL.

Third reading deferred till Monday next.

FACTORIES BILL.

Further consideration of Report put off for three months.

ECCLESIASTICAL DUTIES AND REVENUES BILL.

Committee deferred till Friday next.

COLLECTION OF RATES BILL.

Second reading put off for three months.

POOR LAW COMMISSION CONTINUANCE BILL. — SUPPLY. — WAYS AND MEANS.

Committees deferred till Monday next.

POOR RATES COLLECTION BILL.

Second reading deferred till Wednesday next.

BASTARDY BILL.

Read a second time, and committed for Monday next.

SPIRIT LICENCES (IRELAND) BILL.

Second reading deferred till Wednesday next.

ASSAULTS (IRELAND) BILL.

Further consideration of Report deferred till Wednesday next.

HIGHWAY RATES BILL.

Report deferred till Wednesday next.

SHANNON NAVIGATION BILL.

Read a third time, and passed.

SHEEP-STEALERS (IRELAND) BILL.

Further consideration of Report deferred till Monday next.

SOAP DUTIES REGULATION BILL.

Read a second time, and committed for Monday next.

HIGHWAYS AND TURNPIKE ROADS RETURNS BILL. — DUBLIN POLICE BILL. — ADMIRALTY COURT BILL. — CONSTABULARY FORCE (IRELAND) BILL. — GRAND JURY CESS (IRELAND) BILL. — SALE OF SPIRITS (IRELAND) BILL. — BIRMINGHAM POLICE BILL.

Committees deferred till Monday next.

JURORS AND JURIES (IRELAND) BILL.

Read a third time; amendment made; Bill passed.

PUBLIC WORKS (IRELAND) BILL.

Reported; three clauses added; Bill to be read a third time on Monday next.

MILITIA BALLOTS SUSPENSION BILL.

Read a third time, and passed.

PAPERS.

New Zealand. — On the motion of Mr. BARING, Copy ordered —

Of a minute of the Board of Treasury, dated the 19th day of July, 1839, sanctioning an advance from the revenues of New South Wales, on account of the expenses of the officer about to proceed to New Zealand as consul, &c.

Copy presented accordingly. — To lie on the table.

Public Departments. — On the motion of Mr. BARING, Return ordered —

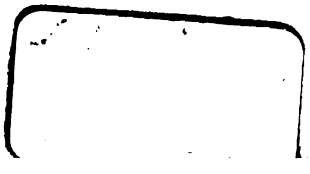
Showing the number of persons on the redundant list of the several public departments, in the years 1837 and 1838.

Return presented accordingly. — To lie on the table.

Savings Banks. — Account presented — of Exchequer bills in the hands of the Commissioners for Savings Banks on the 20th of November, 1836; of bills purchased since that date; bills converted into stock; and bills now in the hands of the commissioners (ordered 21st of June). — To lie on the table.

Sugar. — Return presented — of British refined sugar exported, and of drawback thereon; also, of foreign sugar refined in bond and exported, from 1834 to 5th of July, 1839 (ordered 9th of July). — To lie on the table.

Tullamoor Gaol. — Petition of James Flynn, complaining of the constitution of the board for the management thereof. — To lie on the table.

Unlawful Meetings. — Paper (presented 25th of July) to be printed.

Adjourned, at a quarter before two o'clock, till Monday next.